

27 to enter into certain concession agreements; providing
 28 for use of agreement revenues; providing that the
 29 agreements are subject to applicable federal laws;
 30 amending s. 337.11, F.S.; removing the requirement
 31 that a contractor provide a notarized affidavit as
 32 proof of motor vehicle registration; amending s.
 33 337.14, F.S.; providing an exception to a provision
 34 that prohibits certain contractors and affiliates from
 35 qualifying to provide certain services to the
 36 department; providing construction; amending s.
 37 337.168, F.S., relating to confidentiality of bid
 38 information; providing that a document that reveals
 39 the identity of a person who has requested or received
 40 certain information before a certain time is a public
 41 record; amending s. 337.25, F.S.; revising provisions
 42 for disposition of property by the department;
 43 authorizing the department to contract for auction
 44 services for conveyance of property; amending s.
 45 337.251, F.S.; revising criteria for leasing certain
 46 department property; revising the time for the
 47 department to accept proposals for lease after a
 48 notice is published; directing the department to
 49 establish an application fee by rule; providing
 50 criteria for the fee and for the proposed lease;
 51 amending s. 338.161, F.S.; revising provisions
 52 authorizing the department to use its electronic toll

53 collection and video billing systems to collect
 54 certain charges for an owner of a transportation
 55 facility; amending s. 338.26, F.S.; revising the uses
 56 of fees generated from Alligator Alley tolls to
 57 include the cost of design and construction of a fire
 58 station that may be used by certain local governments
 59 and certain related operating costs; providing that
 60 excess tolls, after payment of certain expenses, be
 61 transferred to the Everglades Trust Fund; creating s.
 62 339.041, F.S.; providing legislative intent;
 63 describing the types of department property eligible
 64 for factoring future revenues received by the
 65 department from leases for wireless communication
 66 facilities on department property; authorizing the
 67 department to enter into agreements with investors to
 68 purchase the revenue streams from department leases of
 69 wireless communication facilities on such property
 70 pursuant to an invitation to negotiate; prohibiting
 71 the department from pledging state credit; allowing
 72 the department to make certain covenants; providing
 73 for the appropriation and payment of moneys received
 74 from such agreements to investors; requiring the
 75 proceeds from such leases to be used for certain fixed
 76 capital expenditures; amending s. 339.175, F.S.;
 77 revising membership and governance of a metropolitan
 78 planning organization; revising powers and duties of

79 | the Metropolitan Planning Organization Advisory
 80 | Council; amending s. 339.2821, F.S.; authorizing
 81 | Enterprise Florida, Inc., to be a consultant to the
 82 | department for consideration of expenditures
 83 | associated with and contracts for transportation
 84 | projects; revising the requirements for economic
 85 | development transportation project contracts between
 86 | the Department of Transportation and a governmental
 87 | entity; repealing the Florida Transportation
 88 | Corporation Act; repealing ss. 339.401, 339.402,
 89 | 339.403, 339.404, 339.405, 339.406, 339.407, 339.408,
 90 | 339.409, 339.410, 339.411, 339.412, 339.414, 339.415,
 91 | 339.416, 339.417, 339.418, 339.419, 339.420, and
 92 | 339.421, F.S.; removing provisions for corporations to
 93 | be authorized by and to act on behalf of the
 94 | department for promotion and development of
 95 | transportation facilities and systems; amending s.
 96 | 343.82, F.S., relating to the Northwest Florida
 97 | Transportation Corridor Authority and s. 343.922,
 98 | F.S., relating to Tampa Bay Area Regional
 99 | Transportation Authority; removing provisions for
 100 | certain funding and assistance sources; amending s.
 101 | 373.4137, F.S.; revising legislative intent for
 102 | implementation of mitigation to offset environmental
 103 | impact of department projects; revising provisions for
 104 | environmental impact inventories for transportation

105 projects proposed by the department or a
 106 transportation authority; revising criteria for
 107 mitigation of projected impacts; requiring the
 108 Department of Transportation to include funding for
 109 environmental mitigation for projects in its work
 110 program; revising the process and criteria for the
 111 payment by the department or participating
 112 transportation authorities of mitigation implemented
 113 by water management districts or the Department of
 114 Environmental Protection; revising the requirements
 115 for the payment to a water management district or the
 116 Department of Environmental Protection of the costs of
 117 mitigation planning and implementation of the
 118 mitigation required by a permit; revising the payment
 119 criteria for preparing and implementing mitigation
 120 plans adopted by water management districts for
 121 transportation impacts based on the environmental
 122 impact inventory; adding federal requirements for the
 123 development of a mitigation plan; providing for
 124 transportation projects in the environmental
 125 mitigation plan for which mitigation has not been
 126 specified; revising a water management district's
 127 responsibilities relating to a mitigation plan;
 128 amending s. 373.618, F.S.; revising provisions related
 129 to public service warning signs; amending s. 479.01,
 130 F.S., relating to outdoor advertising signs; revising

131 and deleting definitions; amending s. 479.02, F.S.;

132 revising duties of the Department of Transportation

133 relating to signs; deleting a requirement that the

134 department adopt certain rules; creating s. 479.024,

135 F.S.; limiting the placement of signs to commercial or

136 industrial zones; defining the terms "parcel" and

137 "utilities"; requiring a local government to use

138 specified criteria to determine zoning for commercial

139 or industrial parcels; providing that certain parcels

140 are considered unzoned commercial or industrial areas;

141 authorizing a permit for a sign in an unzoned

142 commercial or industrial area in certain

143 circumstances; prohibiting specified uses and

144 activities from being independently recognized as

145 commercial or industrial; providing an appeal process

146 for an applicant whose permit is denied; requiring an

147 applicant whose application is denied to remove an

148 existing sign pertaining to the application; requiring

149 the department to reduce certain transportation

150 funding in certain circumstances; amending s. 479.03,

151 F.S.; requiring notice to owners of intervening

152 privately owned lands before the department enters

153 upon such lands to remove an illegal sign; amending s.

154 479.04, F.S.; providing that an outdoor advertising

155 license is not required solely to erect or construct

156 outdoor signs or structures; amending s. 479.05, F.S.;

157 | authorizing the department to suspend a license for
 158 | certain offenses and specifying activities that the
 159 | licensee may engage in during the suspension;
 160 | prohibiting the department from granting a transfer of
 161 | an existing permit or issuing an additional permit
 162 | during the suspension; amending s. 479.07, F.S.;
 163 | revising requirements for obtaining sign permits;
 164 | conforming and clarifying provisions; revising permit
 165 | tag placement requirements for signs; deleting a
 166 | provision that allows a permittee to provide its own
 167 | replacement tag; revising requirements for permitting
 168 | certain signs visible to more than one highway;
 169 | deleting provisions limiting a pilot program to
 170 | specified locations; deleting redundant provisions
 171 | relating to certain new or replacement signs; deleting
 172 | provisions requiring maintenance of statistics on the
 173 | pilot program; amending s. 479.08, F.S.; revising
 174 | provisions relating to the denial or revocation of a
 175 | permit because of false or misleading information in
 176 | the permit application; amending s. 479.10, F.S.;
 177 | authorizing the cancellation of a permit; amending s.
 178 | 479.105, F.S.; revising notice requirements to owners
 179 | and advertisers relating to signs erected or
 180 | maintained without a permit; revising procedures for
 181 | the department to issue a permit as a conforming or
 182 | nonconforming sign to the owner of an unpermitted

183 sign; providing a penalty; amending s. 479.106, F.S.;

184 revising provisions relating to the removal, cutting,

185 or trimming of trees or vegetation to increase sign

186 face visibility; providing that a specified penalty is

187 applied per sign facing; amending s. 479.107, F.S.;

188 deleting a fine for specified violations; amending s.

189 479.11, F.S.; prohibiting signs on specified portions

190 of the interstate highway system; amending s. 479.111,

191 F.S.; clarifying a reference to a certain agreement;

192 amending s. 479.15, F.S.; deleting a definition;

193 revising provisions relating to relocation of certain

194 signs on property subject to public acquisition;

195 amending s. 479.156, F.S.; clarifying provisions

196 relating to the regulation of wall murals; amending s.

197 479.16, F.S.; exempting certain signs from specified

198 provisions; exempting from permitting certain signs

199 placed by tourist-oriented businesses, certain farm

200 signs placed during harvest seasons, certain

201 acknowledgment signs on publicly funded school

202 premises, and certain displays on specific sports

203 facilities; prohibiting certain permit exemptions from

204 being implemented or continued if the implementations

205 or continuations will adversely impact the allocation

206 of federal funds to the Department of Transportation;

207 directing the department to notify a sign owner that

208 the sign must be removed if federal funds are

209 adversely impacted; authorizing the department to
 210 remove the sign and assess costs to the sign owner
 211 under certain circumstances; amending s. 479.24, F.S.;
 212 clarifying provisions relating to compensation paid
 213 for the department's acquisition of lawful signs;
 214 amending s. 479.25, F.S.; revising provisions relating
 215 to local government action with respect to erection of
 216 noise-attenuation barriers that block views of
 217 lawfully erected signs; deleting provisions to conform
 218 to changes made by the act; amending s. 479.261, F.S.;
 219 expanding the logo sign program to the limited access
 220 highway system; conforming provisions related to a
 221 logo sign program on the limited access highway
 222 system; amending s. 479.262, F.S.; clarifying
 223 provisions relating to the tourist-oriented
 224 directional sign program; limiting the placement of
 225 such signs to intersections on certain rural roads;
 226 prohibiting such signs in urban areas or at
 227 interchanges on freeways or expressways; amending s.
 228 479.313, F.S.; requiring a permittee to pay the cost
 229 of removing certain signs following the cancellation
 230 of the permit for the sign; repealing s. 76 of chapter
 231 2012-174, Laws of Florida, relating to authorizing the
 232 department to seek Federal Highway Administration
 233 approval of a tourist-oriented commerce sign pilot
 234 program and directing the department to submit the

235 approved pilot program for legislative approval;
 236 establishing a pilot program for the School District
 237 of Palm Beach County authorizing signage on certain
 238 school district property to recognize the names of the
 239 school district's business partners; providing for
 240 expiration of the program; requiring the Florida
 241 Transportation Commission to study the potential for
 242 state revenue from parking meters and other parking
 243 time-limit devices; authorizing to commission to
 244 retain experts; requiring the department to pay for
 245 the experts; requiring certain information from
 246 municipalities and counties; requiring certain
 247 information to be considered in the study; requiring a
 248 written report; providing for the removal of parking
 249 meters and parking time-limit devices under certain
 250 circumstance; providing for municipalities and
 251 counties to pay the cost of removal; providing for a
 252 moratorium on new parking meters of other parking
 253 time-limit devices on the state right-of-way;
 254 providing an exception; amending s. 2 of chapter 85-
 255 364, Laws of Florida, relating to the Department of
 256 Transportation; authorizing tolls from the Pinellas
 257 Bayway to be used for maintenance costs; removing
 258 provisions for funding of certain projects; amending
 259 s. 110.205, F.S.; conforming cross-references;
 260 providing effective dates.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (m) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

~~(m) The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.~~

Section 2. Paragraph (b) of subsection (2) and subsection (3) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(2)

(b) The commission shall ~~have the primary functions to:~~

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions ~~thereto~~ are properly executed.

287 2. Periodically review the status of the state
 288 transportation system including highway, transit, rail, seaport,
 289 intermodal development, and aviation components of the system
 290 and recommend improvements ~~therein~~ to the Governor and the
 291 Legislature.

292 3. Perform an in-depth evaluation of the annual department
 293 budget request, the Florida Transportation Plan, and the
 294 tentative work program for compliance with all applicable laws
 295 and established departmental policies. Except as specifically
 296 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
 297 not consider individual construction projects, but shall
 298 consider methods of accomplishing the goals of the department in
 299 the most effective, efficient, and businesslike manner.

300 4. Monitor the financial status of the department on a
 301 regular basis to assure that the department is managing revenue
 302 and bond proceeds responsibly and in accordance with law and
 303 established policy.

304 5. Monitor on at least a quarterly basis, the efficiency,
 305 productivity, and management of the department, using
 306 performance and production standards developed by the commission
 307 pursuant to s. 334.045.

308 6. Perform an in-depth evaluation of the factors causing
 309 disruption of project schedules in the adopted work program and
 310 recommend to the Governor ~~Legislature~~ and the Legislature
 311 ~~Governor~~ methods to eliminate or reduce the disruptive effects
 312 of these factors.

313 7. Recommend to the Governor and the Legislature
 314 improvements to the department's organization in order to
 315 streamline and optimize the efficiency of the department. In
 316 reviewing the department's organization, the commission shall
 317 determine if the current district organizational structure is
 318 responsive to this state's ~~Florida's~~ changing economic and
 319 demographic development patterns. The initial report by the
 320 commission must be delivered to the Governor and the Legislature
 321 by December 15, 2000, and each year thereafter, as appropriate.
 322 The commission may retain ~~such~~ experts as ~~are reasonably~~
 323 necessary to carry out ~~effectuate~~ this subparagraph, and the
 324 department shall pay the expenses of the ~~such~~ experts.

325 8. Monitor the efficiency, productivity, and management of
 326 the authorities created under chapters 348 and 349, including
 327 any authority formed using ~~the provisions of~~ part I of chapter
 328 348; the Mid-Bay Bridge Authority re-created pursuant to chapter
 329 2000-411, Laws of Florida; and any authority formed under
 330 chapter 343 ~~which is not monitored under subsection (3)~~. The
 331 commission shall also conduct periodic reviews of each
 332 authority's operations and budget, acquisition of property,
 333 management of revenue and bond proceeds, and compliance with
 334 applicable laws and generally accepted accounting principles.

335 ~~(3) There is created the Florida Statewide Passenger Rail~~
 336 ~~Commission.~~

337 ~~(a)1. The commission shall consist of nine voting members~~
 338 ~~appointed as follows:~~

339 ~~a. Three members shall be appointed by the Governor, one~~
 340 ~~of whom must have a background in the area of environmental~~
 341 ~~concerns, one of whom must have a legislative background, and~~
 342 ~~one of whom must have a general business background.~~

343 ~~b. Three members shall be appointed by the President of~~
 344 ~~the Senate, one of whom must have a background in civil~~
 345 ~~engineering, one of whom must have a background in~~
 346 ~~transportation construction, and one of whom must have a general~~
 347 ~~business background.~~

348 ~~c. Three members shall be appointed by the Speaker of the~~
 349 ~~House of Representatives, one of whom must have a legal~~
 350 ~~background, one of whom must have a background in financial~~
 351 ~~matters, and one of whom must have a general business~~
 352 ~~background.~~

353 ~~2. The initial term of each member appointed by the~~
 354 ~~Governor shall be for 4 years. The initial term of each member~~
 355 ~~appointed by the President of the Senate shall be for 3 years.~~
 356 ~~The initial term of each member appointed by the Speaker of the~~
 357 ~~House of Representatives shall be for 2 years. Succeeding terms~~
 358 ~~for all members shall be for 4 years.~~

359 ~~3. A vacancy occurring during a term shall be filled by~~
 360 ~~the respective appointing authority in the same manner as the~~
 361 ~~original appointment and only for the balance of the unexpired~~
 362 ~~term. An appointment to fill a vacancy shall be made within 60~~
 363 ~~days after the occurrence of the vacancy.~~

364 ~~4. The commission shall elect one of its members as chair~~

365 ~~of the commission. The chair shall hold office at the will of~~
 366 ~~the commission. Five members of the commission shall constitute~~
 367 ~~a quorum, and the vote of five members shall be necessary for~~
 368 ~~any action taken by the commission. The commission may meet upon~~
 369 ~~the constitution of a quorum. A vacancy in the commission does~~
 370 ~~not impair the right of a quorum to exercise all rights and~~
 371 ~~perform all duties of the commission.~~

372 ~~5. The members of the commission are not entitled to~~
 373 ~~compensation but are entitled to reimbursement for travel and~~
 374 ~~other necessary expenses as provided in s. 112.061.~~

375 ~~(b) The commission shall have the primary functions of:~~

376 ~~1. Monitoring the efficiency, productivity, and management~~
 377 ~~of all publicly funded passenger rail systems in the state,~~
 378 ~~including, but not limited to, any authority created under~~
 379 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
 380 ~~receives public funds for the provision of passenger rail~~
 381 ~~service. The commission shall advise each monitored authority of~~
 382 ~~its findings and recommendations. The commission shall also~~
 383 ~~conduct periodic reviews of each monitored authority's passenger~~
 384 ~~rail and associated transit operations and budget, acquisition~~
 385 ~~of property, management of revenue and bond proceeds, and~~
 386 ~~compliance with applicable laws and generally accepted~~
 387 ~~accounting principles. The commission may seek the assistance of~~
 388 ~~the Auditor General in conducting such reviews and shall report~~
 389 ~~the findings of such reviews to the Legislature. This paragraph~~
 390 ~~does not preclude the Florida Transportation Commission from~~

391 ~~conducting its performance and work program monitoring~~
 392 ~~responsibilities.~~

393 ~~2. Advising the department on policies and strategies used~~
 394 ~~in planning, designing, building, operating, financing, and~~
 395 ~~maintaining a coordinated statewide system of passenger rail~~
 396 ~~services.~~

397 ~~3. Evaluating passenger rail policies and providing advice~~
 398 ~~and recommendations to the Legislature on passenger rail~~
 399 ~~operations in the state.~~

400 ~~(c) The commission or a member of the commission may not~~
 401 ~~enter into the day-to-day operation of the department or a~~
 402 ~~monitored authority and is specifically prohibited from taking~~
 403 ~~part in:~~

404 ~~1. The awarding of contracts.~~

405 ~~2. The selection of a consultant or contractor or the~~
 406 ~~prequalification of any individual consultant or contractor.~~
 407 ~~However, the commission may recommend to the secretary standards~~
 408 ~~and policies governing the procedure for selection and~~
 409 ~~prequalification of consultants and contractors.~~

410 ~~3. The selection of a route for a specific project.~~

411 ~~4. The specific location of a transportation facility.~~

412 ~~5. The acquisition of rights-of-way.~~

413 ~~6. The employment, promotion, demotion, suspension,~~
 414 ~~transfer, or discharge of any department personnel.~~

415 ~~7. The granting, denial, suspension, or revocation of any~~
 416 ~~license or permit issued by the department.~~

417 ~~(d) The commission is assigned to the Office of the~~
 418 ~~Secretary of the Department of Transportation for administrative~~
 419 ~~and fiscal accountability purposes, but it shall otherwise~~
 420 ~~function independently of the control and direction of the~~
 421 ~~department except that reasonable expenses of the commission~~
 422 ~~shall be subject to approval by the Secretary of Transportation.~~
 423 ~~The department shall provide administrative support and service~~
 424 ~~to the commission.~~

425 Section 3. Subsection (3) of section 316.530, Florida
 426 Statutes, is amended to read:

427 316.530 Towing requirements.—

428 ~~(3) Whenever a motor vehicle becomes disabled upon the~~
 429 ~~highways of this state and a wrecker or tow truck is required to~~
 430 ~~remove it to a repair shop or other appropriate location, if the~~
 431 ~~combined weights of those two vehicles and the loads thereon~~
 432 ~~exceed the maximum allowable weights as established by s.~~
 433 ~~316.535, no penalty shall be assessed either vehicle or driver.~~
 434 ~~However, this exception shall not apply to the load limits for~~
 435 ~~bridges and culverts established by the department as provided~~
 436 ~~in s. 316.555.~~

437 Section 4. Subsection (3) of section 316.545, Florida
 438 Statutes, is amended to read:

439 316.545 Weight and load unlawful; special fuel and motor
 440 fuel tax enforcement; inspection; penalty; review.—

441 (3) (a) A ~~Any~~ person who violates the overloading
 442 provisions of this chapter is ~~shall be~~ conclusively presumed to

443 have damaged the highways of this state by reason of such
 444 overloading, and a fine shall be assessed ~~which damage is hereby~~
 445 ~~fixed~~ as follows:

446 1.(a) Ten dollars if ~~When~~ the weight in excess of the
 447 maximum allowed under this chapter ~~weight~~ is 200 pounds or less.
 448 ~~than the maximum herein provided, the penalty shall be \$10;~~

449 2.(b) Five cents per pound for each pound of weight in
 450 excess of the maximum herein provided in this chapter if ~~when~~
 451 the excess weight is greater than ~~exceeds~~ 200 pounds.

452 3. If ~~However, whenever~~ the gross weight of the vehicle or
 453 combination of vehicles does not exceed the maximum allowable
 454 gross weight, the maximum fine for the first 600 pounds of
 455 unlawful axle weight is ~~shall be~~ \$10.~~7~~

456 (b)(e) For a vehicle equipped with fully functional idle-
 457 reduction technology, the fine is ~~any penalty shall be~~
 458 calculated by reducing the actual gross vehicle weight or the
 459 internal bridge weight by the certified weight of the idle-
 460 reduction technology or by 550 ~~400~~ pounds, whichever is less.
 461 The vehicle operator must present written certification of the
 462 weight of the idle-reduction technology and must demonstrate or
 463 certify that the idle-reduction technology is fully functional
 464 at all times. This calculation is not allowed for vehicles
 465 described in s. 316.535(6).~~7~~

466 (c)(d) An apportionable vehicle, ~~as defined in s. 320.017~~
 467 operating on the highways of this state which is not ~~without~~
 468 ~~being~~ properly licensed and registered is ~~shall be~~ subject to

469 the penalties ~~as~~ provided in this section. ~~and~~

470 (d) ~~(e)~~ A vehicle ~~Vehicles~~ operating on the highways of
 471 this state from nonmember International Registration Plan
 472 jurisdictions which is ~~are~~ not in compliance with ~~the provisions~~
 473 ~~of~~ s. 316.605 is ~~shall be~~ subject to the penalties ~~as herein~~
 474 provided in this section.

475 Section 5. Subsection (10) is added to section 332.007,
 476 Florida Statutes, to read:

477 332.007 Administration and financing of aviation and
 478 airport programs and projects; state plan.—

479 (10) The department may fund strategic airport investment
 480 projects at up to 100 percent of the project's cost if:

481 (a) Important access and on-airport capacity improvements
 482 are provided;

483 (b) Capital improvements that strategically position the
 484 state to maximize opportunities in international trade,
 485 logistics, and the aviation industry are provided;

486 (c) Goals of an integrated intermodal transportation
 487 system for the state are achieved; and

488 (d) Feasibility and availability of matching funds through
 489 federal, local, or private partners are demonstrated.

490 Section 6. Subsections (16) and (26) of section 334.044,
 491 Florida Statutes, are amended to read:

492 334.044 Department; powers and duties.—The department
 493 shall have the following general powers and duties:

494 (16) (a) To plan, acquire, lease, construct, maintain, and

495 operate toll facilities; to authorize the issuance and refunding
 496 of bonds; and to fix and collect tolls or other charges for
 497 travel on any such facilities.

498 (b) Notwithstanding any other provision of law, the
 499 department may not enter into a lease-purchase agreement with an
 500 expressway authority, regional transportation authority, or
 501 other entity. This paragraph does not invalidate a lease-
 502 purchase agreement authorized under chapter 348 or chapter 2000-
 503 411, Laws of Florida, existing as of July 1, 2013, and does not
 504 limit the department's authority under s. 334.30.

505 (26) To provide for the enhancement of environmental
 506 benefits, including air and water quality; to prevent roadside
 507 erosion; to conserve the natural roadside growth and scenery;
 508 and to provide for the implementation and maintenance of
 509 roadside conservation, enhancement, and stabilization programs.
 510 At least ~~No less than~~ 1.5 percent of the amount contracted for
 511 construction projects shall be allocated by the department on a
 512 statewide basis for the purchase of plant materials. Department
 513 districts may not expend funds for landscaping in connection
 514 with any project that is limited to resurfacing existing lanes
 515 unless the expenditure has been approved by the department's
 516 secretary or the secretary's designee. To the greatest extent
 517 practical, at least ~~a minimum of~~ 50 percent of the funds
 518 allocated under this subsection shall be allocated for large
 519 plant materials and the remaining funds for other plant
 520 materials. Except as prohibited by applicable federal law or

521 regulation, all plant materials shall be purchased from Florida
 522 commercial nursery stock in this state on a uniform competitive
 523 bid basis. The department shall develop grades and standards for
 524 landscaping materials purchased through this process. To
 525 accomplish these activities, the department may contract with
 526 nonprofit organizations having the primary purpose of developing
 527 youth employment opportunities.

528 Section 7. Section 335.06, Florida Statutes, is amended to
 529 read:

530 335.06 Access roads to the state park system.—Any road
 531 which provides access to property within the state park system
 532 shall be maintained by the department if the road is a part of
 533 the State Highway System and may be improved and maintained by
 534 the department if the road is part of a county road system or
 535 city street system. If the department does not maintain a county
 536 or city road that provides access to the state park system, the
 537 road ~~or~~ shall be maintained by the appropriate county or
 538 municipality ~~if the road is a part of the county road system or~~
 539 ~~the city street system.~~

540 Section 8. Subsection (3) of section 335.065, Florida
 541 Statutes, is amended to read:

542 335.065 Bicycle and pedestrian ways along state roads and
 543 transportation facilities.—

544 (3) The department, in cooperation with the Department of
 545 Environmental Protection, shall establish a statewide integrated
 546 system of bicycle and pedestrian ways in such a manner as to

547 take full advantage of any such ways which are maintained by any
 548 governmental entity. The department may enter into a concession
 549 agreement with a not-for-profit entity or private sector
 550 business or entity for commercial sponsorship displays on
 551 multiuse trails and related facilities and use any concession
 552 agreement revenues for the maintenance of the multiuse trails
 553 and related facilities. Commercial sponsorship displays are
 554 subject to the requirements of the Highway Beautification Act of
 555 1965 and all federal laws and agreements, when applicable. For
 556 the purposes of this section, bicycle facilities may be
 557 established as part of or separate from the actual roadway and
 558 may utilize existing road rights-of-way or other rights-of-way
 559 or easements acquired for public use.

560 Section 9. Subsection (13) of section 337.11, Florida
 561 Statutes, is amended to read:

562 337.11 Contracting authority of department; bids;
 563 emergency repairs, supplemental agreements, and change orders;
 564 combined design and construction contracts; progress payments;
 565 records; requirements of vehicle registration.—

566 (13) Each contract let by the department for the
 567 performance of road or bridge construction or maintenance work
 568 shall require ~~contain a provision requiring the contractor to~~
 569 ~~provide proof to the department, in the form of a notarized~~
 570 ~~affidavit from the contractor, that all motor vehicles that the~~
 571 ~~contractor~~ he or she operates or causes to be operated in this
 572 state to be ~~are~~ registered in compliance with chapter 320.

573 Section 10. Subsection (7) of section 337.14, Florida
 574 Statutes, is amended to read:

575 337.14 Application for qualification; certificate of
 576 qualification; restrictions; request for hearing.—

577 (7) A ~~No~~ "contractor" as defined in s. 337.165(1)(d) or
 578 his or her "affiliate" as defined in s. 337.165(1)(a) qualified
 579 with the department under this section may not also qualify
 580 under s. 287.055 or s. 337.105 to provide testing services,
 581 construction, engineering, and inspection services to the
 582 department. This limitation does ~~shall~~ not apply to any design-
 583 build prequalification under s. 337.11(7) and does not apply
 584 when the department otherwise determines by written order
 585 entered at least 30 days before advertisement that the
 586 limitation is not in the best interests of the public with
 587 respect to a particular contract for testing services,
 588 construction, engineering, and inspection services. This
 589 subsection does not authorize a contractor to provide testing
 590 services, or provide construction, engineering, and inspection
 591 services, to the department in connection with a construction
 592 contract under which the contractor is performing any work.

593 Section 11. Subsection (2) of section 337.168, Florida
 594 Statutes, is amended to read:

595 337.168 Confidentiality of official estimates, identities
 596 of potential bidders, and bid analysis and monitoring system.—

597 (2) A document that reveals ~~revealing~~ the identity of a
 598 person who has ~~persons who have~~ requested or obtained a bid

599 package, plan ~~packages, plans,~~ or specifications pertaining to
 600 any project to be let by the department is confidential and
 601 exempt from the provisions of s. 119.07(1) for the period that
 602 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
 603 obtaining bid packages, plans, or specifications and ends with
 604 the letting of the bid. A document that reveals the identity of
 605 a person who has requested or obtained a bid package, plan, or
 606 specifications pertaining to any project to be let by the
 607 department before the 2 working days before the deadline for
 608 obtaining bid packages, plans, or specifications remains a
 609 public record subject to s. 119.07(1).

610 Section 12. Section 337.25, Florida Statutes, is amended
 611 to read:

612 337.25 Acquisition, lease, and disposal of real and
 613 personal property.—

614 (1) (a) The department may purchase, lease, exchange, or
 615 otherwise acquire any land, property interests, ~~or~~ buildings, or
 616 other improvements, including personal property within such
 617 buildings or on such lands, necessary to secure or use ~~utilize~~
 618 transportation rights-of-way for existing, proposed, or
 619 anticipated transportation facilities on the State Highway
 620 System, on the State Park Road System, in a rail corridor, or in
 621 a transportation corridor designated by the department. Such
 622 property shall be held in the name of the state.

623 (b) The department may accept donations of any land, ~~or~~
 624 buildings, or other improvements, including personal property

625 within such buildings or on such lands with or without such
 626 conditions, reservations, or reverter provisions as are
 627 acceptable to the department. Such donations may be used as
 628 transportation rights-of-way or to secure or use ~~utilize~~
 629 transportation rights-of-way for existing, proposed, or
 630 anticipated transportation facilities on the State Highway
 631 System, on the State Park Road System, or in a transportation
 632 corridor designated by the department.

633 (c) If ~~When~~ lands, buildings, or other improvements are
 634 needed for transportation purposes, but are held by a federal,
 635 state, or local governmental entity and used ~~utilized~~ for public
 636 purposes other than transportation, the department may
 637 compensate the entity for such properties by providing
 638 functionally equivalent replacement facilities. The provision
 639 ~~providing~~ of replacement facilities under this subsection may
 640 only be undertaken with the agreement of the governmental entity
 641 affected.

642 (d) The department may contract pursuant to s. 287.055 for
 643 auction services used in the conveyance of real or personal
 644 property or the conveyance of leasehold interests under
 645 subsections (4) and (5). The contract may allow for the
 646 contractor to retain a portion of the proceeds as compensation
 647 for the contractor's services.

648 (2) A complete inventory shall be made of all real or
 649 personal property immediately upon possession or acquisition.
 650 Such inventory must ~~shall~~ include an ~~itemized listing of all~~

651 ~~appliances, fixtures, and other severable items,~~ a statement of
 652 the location or site of each piece of realty, structure, or
 653 severable item; ~~and the serial number assigned to each.~~ Copies
 654 of each inventory shall be filed in the district office in which
 655 the property is located. Such inventory shall be carried forward
 656 to show the final disposition of each item of property, both
 657 real and personal.

658 (3) The inventory of real property that ~~which~~ was acquired
 659 by the state after December 31, 1988, that ~~which~~ has been owned
 660 by the state for 10 or more years, and that ~~which~~ is not within
 661 a transportation corridor or within the right-of-way of a
 662 transportation facility shall be evaluated to determine the
 663 necessity for retaining the property. If the property is not
 664 needed for the construction, operation, and maintenance of a
 665 transportation facility, ~~or is not located within a~~
 666 transportation corridor, the department may dispose of the
 667 property pursuant to subsection (4).

668 (4) The department may convey ~~sell~~, in the name of the
 669 state, any land, building, or other property, real or personal,
 670 which was acquired under ~~the provisions of~~ subsection (1) and
 671 which the department has determined is not needed for the
 672 construction, operation, and maintenance of a transportation
 673 facility. ~~With the exception of any parcel governed by paragraph~~
 674 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
 675 ~~(i), the department shall afford first right of refusal to the~~
 676 ~~local government in the jurisdiction of which the parcel is~~

677 ~~situated.~~ When such a determination has been made, property may
 678 be disposed of through negotiations, sealed competitive bids,
 679 auctions, or any other means the department deems to be in its
 680 best interest, with due advertisement for property valued by the
 681 department at greater than \$10,000. A sale may not occur at a
 682 price less than the department's current estimate of value,
 683 except as provided in paragraphs (a)-(d). The department may
 684 afford a right of first refusal to the local government or other
 685 political subdivision in the jurisdiction in which the parcel is
 686 situated, except in a conveyance transacted under paragraph (a),
 687 paragraph (c), or paragraph (e). ~~in the following manner:~~

688 (a) If the ~~value of the property has been donated to the~~
 689 state for transportation purposes and a transportation facility
 690 has not been constructed for at least 5 years, plans have not
 691 been prepared for the construction of such facility, and the
 692 property is not located in a transportation corridor, the
 693 governmental entity may authorize reconveyance of the donated
 694 property for no consideration to the original donor or the
 695 donor's heirs, successors, assigns, or representatives ~~is~~
 696 ~~\$10,000 or less as determined by department estimate, the~~
 697 ~~department may negotiate the sale.~~

698 (b) If ~~the value of the property is to be used for a~~
 699 public purpose, the property may be conveyed without
 700 consideration to a governmental entity ~~exceeds \$10,000 as~~
 701 ~~determined by department estimate, such property may be sold to~~
 702 ~~the highest bidder through receipt of sealed competitive bids,~~

703 ~~after due advertisement, or by public auction held at the site~~
 704 ~~of the improvement which is being sold.~~

705 (c) If the property was originally acquired specifically
 706 to provide replacement housing for persons displaced by
 707 transportation projects, the department may negotiate for the
 708 sale of such property as replacement housing. As compensation,
 709 the state shall receive at least its investment in such property
 710 or the department's current estimate of value, whichever is
 711 lower. It is expressly intended that this benefit be extended
 712 only to persons actually displaced by the project. Dispositions
 713 to any other person must be for at least the department's
 714 current estimate of value, in the discretion of the department,
 715 ~~public sale would be inequitable, properties may be sold by~~
 716 ~~negotiation to the owner holding title to the property abutting~~
 717 ~~the property to be sold, provided such sale is at a negotiated~~
 718 ~~price not less than fair market value as determined by an~~
 719 ~~independent appraisal, the cost of which shall be paid by the~~
 720 ~~owner of the abutting land. If negotiations do not result in the~~
 721 ~~sale of the property to the owner of the abutting land and the~~
 722 ~~property is sold to someone else, the cost of the independent~~
 723 ~~appraisal shall be borne by the purchaser; and the owner of the~~
 724 ~~abutting land shall have the cost of the appraisal refunded to~~
 725 ~~him or her. If, however, no purchase takes place, the owner of~~
 726 ~~the abutting land shall forfeit the sum paid by him or her for~~
 727 ~~the independent appraisal. If, due to action of the department,~~
 728 ~~the property is removed from eligibility for sale, the cost of~~

729 ~~any appraisal prepared shall be refunded to the owner of the~~
 730 ~~abutting land.~~

731 (d) If the department determines that the property
 732 requires significant costs to be incurred or that continued
 733 ownership of the property exposes the department to significant
 734 liability risks, the department may use the projected
 735 maintenance costs over the next 10 years to offset the
 736 property's value in establishing a value for disposal of the
 737 property, even if that value is zero ~~property acquired for use~~
 738 ~~as a borrow pit is no longer needed, the department may sell~~
 739 ~~such property to the owner of the parcel of abutting land from~~
 740 ~~which the borrow pit was originally acquired, provided the sale~~
 741 ~~is at a negotiated price not less than fair market value as~~
 742 ~~determined by an independent appraisal, the cost of which shall~~
 743 ~~be paid by the owner of such abutting land.~~

744 (e) If, at the discretion of the department, a sale to a
 745 person other than an abutting property owner would be
 746 inequitable, the property may be sold to the abutting owner for
 747 the department's current estimate of value ~~the department begins~~
 748 ~~the process for disposing of the property on its own initiative,~~
 749 ~~either by negotiation under the provisions of paragraph (a),~~
 750 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
 751 ~~sealed competitive bids or public auction under the provisions~~
 752 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
 753 ~~may determine the fair market value of the property by an~~
 754 ~~appraisal.~~

755 ~~(f) Any property which was acquired by a county or by the~~
756 ~~department using constitutional gas tax funds for the purpose of~~
757 ~~a right-of-way or borrow pit for a road on the State Highway~~
758 ~~System, State Park Road System, or county road system and which~~
759 ~~is no longer used or needed by the department may be conveyed~~
760 ~~without consideration to that county. The county may then sell~~
761 ~~such surplus property upon receipt of competitive bids in the~~
762 ~~same manner prescribed in this section.~~

763 ~~(g) If a property has been donated to the state for~~
764 ~~transportation purposes and the facility has not been~~
765 ~~constructed for a period of at least 5 years and no plans have~~
766 ~~been prepared for the construction of such facility and the~~
767 ~~property is not located in a transportation corridor, the~~
768 ~~governmental entity may authorize reconveyance of the donated~~
769 ~~property for no consideration to the original donor or the~~
770 ~~donor's heirs, successors, assigns, or representatives.~~

771 ~~(h) If property is to be used for a public purpose, the~~
772 ~~property may be conveyed without consideration to a governmental~~
773 ~~entity.~~

774 ~~(i) If property was originally acquired specifically to~~
775 ~~provide replacement housing for persons displaced by~~
776 ~~transportation projects, the department may negotiate for the~~
777 ~~sale of such property as replacement housing. As compensation,~~
778 ~~the state shall receive no less than its investment in such~~
779 ~~properties or fair market value, whichever is lower. It is~~
780 ~~expressly intended that this benefit be extended only to those~~

781 ~~persons actually displaced by such project. Dispositions to any~~
782 ~~other persons must be for fair market value.~~

783 ~~(j) If the department determines that the property will~~
784 ~~require significant costs to be incurred or that continued~~
785 ~~ownership of the property exposes the department to significant~~
786 ~~liability risks, the department may use the projected~~
787 ~~maintenance costs over the next 5 years to offset the market~~
788 ~~value in establishing a value for disposal of the property, even~~
789 ~~if that value is zero.~~

790 (5) The department may convey a leasehold interest for
791 commercial or other purposes, in the name of the state, to any
792 land, building, or other property, real or personal, which was
793 acquired under ~~the provisions of~~ subsection (1). However, a
794 lease may not be entered into at a price less than the
795 department's current estimate of value. The department's
796 estimate of value shall be prepared in accordance with
797 department procedures, guidelines, and rules for valuation of
798 real property, the cost of which shall be paid by the party
799 seeking the lease of the property.

800 (a) A lease may be accomplished through negotiations,
801 sealed competitive bids, auction, or any other means the
802 department deems to be in its best interest ~~The department may~~
803 ~~negotiate such a lease at the prevailing market value with the~~
804 ~~owner from whom the property was acquired; with the holders of~~
805 ~~leasehold estates existing at the time of the department's~~
806 ~~acquisition; or, if public bidding would be inequitable, with~~

807 ~~the owner holding title to privately owned abutting property, if~~
 808 ~~reasonable notice is provided to all other owners of abutting~~
 809 ~~property.~~ The department may allow an outdoor advertising sign
 810 to remain on the property acquired~~,~~ or be relocated on
 811 department property~~,~~ This subsection shall not cause a sign to
 812 ~~and such sign shall not~~ be considered a nonconforming sign
 813 pursuant to chapter 479.

814 (b) If, at the discretion of the department, a lease to a
 815 person other than an abutting property owner or tenant with a
 816 leasehold interest in the abutting property would be
 817 inequitable, the property may be leased to the abutting owner or
 818 tenant for at least the department's current estimate of value
 819 ~~All other leases shall be by competitive bid.~~

820 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
 821 ~~paragraph (b) shall be for a period of more than 5 years;~~
 822 however, the department may renegotiate or extend such a lease
 823 for an additional ~~term of 5 years~~ as the department deems
 824 appropriate without rebidding.

825 (d) Each lease shall provide that, unless otherwise
 826 directed by the lessor, any improvements made to the property
 827 during ~~the term of~~ the lease shall be removed at the lessee's
 828 expense.

829 (e) If property is to be used for a public purpose,
 830 ~~including a fair, art show, or other educational, cultural, or~~
 831 ~~fundraising activity,~~ the property may be leased without
 832 consideration to a governmental entity ~~or school board.~~ A lease

833 for a public purpose is exempt from the term limits in paragraph
 834 (c).

835 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 836 entered into pursuant to s. 260.0161(3), except as provided in
 837 such a lease.

838 (g) A ~~No~~ lease executed under this subsection may not be
 839 used ~~utilized~~ by the lessee to establish the ~~4-years'~~ standing
 840 required under ~~by~~ s. 73.071(3) (b) if the business had not been
 841 established for the specified number of 4 years on the date
 842 title passed to the department.

843 (h) The department may enter into a long-term lease
 844 without compensation with a public port listed in s.
 845 403.021(9) (b) for rail corridors used for the operation of a
 846 short-line railroad to the port.

847 (6) ~~Nothing in~~ This chapter does not prevent ~~prevents~~ the
 848 joint use of right-of-way for alternative modes of
 849 transportation if, ~~provided that~~ the joint use does not impair
 850 the integrity and safety of the transportation facility.

851 (7) The department shall prepare the estimate of value
 852 provided under subsection (4) in accordance with department
 853 procedures, guidelines, and rules for valuation of real
 854 property. If the value of the property is greater than \$50,000,
 855 as determined by the department estimate, the sale must be at a
 856 negotiated price of at least the estimate of value as determined
 857 by an appraisal prepared in accordance with department
 858 procedures, guidelines, and rules for valuation of real

859 property, the cost of which shall be paid by the party seeking
 860 the purchase of the property. If the estimated value is \$50,000
 861 or less, the department may use a department staff appraiser or
 862 obtain an independent appraisal ~~required by paragraphs (4) (c)~~
 863 ~~and (d) shall be prepared in accordance with department~~
 864 ~~guidelines and rules by an independent appraiser who has been~~
 865 ~~certified by the department. If federal funds were used in the~~
 866 ~~acquisition of the property, the appraisal shall also be subject~~
 867 ~~to the approval of the Federal Highway Administration.~~

868 (8) As used in this section, the term A "due
 869 advertisement" means ~~under this section is~~ an advertisement in a
 870 newspaper of general circulation in the area of the improvements
 871 of at least ~~not less than~~ 14 calendar days before ~~prior to~~ the
 872 date of the receipt of bids or the date on which a public
 873 auction is to be held.

874 (9) The department, with the approval of the Chief
 875 Financial Officer, may ~~is authorized to~~ disburse state funds for
 876 real estate closings in a manner consistent with good business
 877 practices and in a manner minimizing costs and risks to the
 878 state.

879 (10) The department may ~~is authorized to~~ purchase title
 880 insurance if in those instances where it determines ~~is~~
 881 ~~determined~~ that such insurance is necessary to protect the
 882 public's investment in property being acquired for
 883 transportation purposes. The department shall adopt procedures
 884 to be followed in making the determination to purchase title

885 insurance for a particular parcel or group of parcels which, at
 886 a minimum, shall specify ~~set forth~~ criteria that ~~which~~ the
 887 parcels must meet.

888 (11) This section does not modify the requirements of s.
 889 73.013.

890 Section 13. Subsection (2) of section 337.251, Florida
 891 Statutes, is amended to read:

892 337.251 Lease of property for joint public-private
 893 development and areas above or below department property.-

894 (2) The department may request proposals for the lease of
 895 such property or, if the department receives a proposal for ~~to~~
 896 negotiate a lease of a particular department property which it
 897 desires to consider, the department ~~it~~ shall publish a notice in
 898 a newspaper of general circulation at least once a week for 2
 899 weeks, ~~stating that it has received the proposal and will~~
 900 ~~accept, for 60 days after the date of publication, other~~
 901 proposals for lease of such property for 120 days after the date
 902 of publication use of the space. A copy of the notice must be
 903 mailed to each local government in the affected area. The
 904 department shall establish by rule an application fee for the
 905 submission of proposals pursuant to this section. The fee must
 906 be sufficient to pay the anticipated costs of evaluating the
 907 proposals. The department may engage the services of private
 908 consultants to assist in the evaluations. Before approval, the
 909 department shall determine that the proposed lease:

910 (a) Is in the public's best interest;

911 (b) Does not require that state funds be used; and
 912 (c) Has adequate safeguards in place to ensure that
 913 additional costs are not borne and service disruptions are not
 914 experienced by the traveling public and residents of the state
 915 in the event of default by the private lessee or upon
 916 termination or expiration of the lease.

917 Section 14. Subsection (5) of section 338.161, Florida
 918 Statutes, is amended to read:

919 338.161 Authority of department or toll agencies to
 920 advertise and promote electronic toll collection; expanded uses
 921 of electronic toll collection system; authority of department to
 922 collect tolls, fares, and fees for private and public entities.-

923 (5) If the department finds that it can increase nontoll
 924 revenues or add convenience or other value for its customers,
 925 and if a public or private transportation facility owner agrees
 926 that its facility will become interoperable with the
 927 department's electronic toll collection and video billing
 928 systems, the department may ~~is authorized to~~ enter into an
 929 agreement with the owner of such facility under which the
 930 department uses ~~private or public entities for the department's~~
 931 ~~use of~~ its electronic toll collection and video billing systems
 932 to collect and enforce for the owner tolls, fares,
 933 administrative fees, and other applicable charges due ~~imposed~~ in
 934 connection with use of the owner's facility ~~transportation~~
 935 ~~facilities of the private or public entities that become~~
 936 ~~interoperable with the department's electronic toll collection~~

937 ~~system.~~ The department may modify its rules regarding toll
 938 collection procedures and the imposition of ~~administrative~~
 939 charges to be applicable to toll facilities that are not part of
 940 the turnpike system or otherwise owned by the department. This
 941 subsection does ~~may~~ not ~~be construed to~~ limit the authority of
 942 the department under any other ~~provision of~~ law or under any
 943 agreement entered into before ~~prior to~~ July 1, 2012.

944 Section 15. Subsection (3) of section 338.26, Florida
 945 Statutes, is amended to read:

946 338.26 Alligator Alley toll road.—

947 (3) (a) Fees generated from tolls shall be deposited in the
 948 State Transportation Trust Fund and shall be used: ~~and any~~
 949 ~~amount of funds generated annually in excess of that required~~

950 1. To reimburse outstanding contractual obligations; ~~;~~

951 2. To operate and maintain the highway and toll
 952 facilities, including reconstruction and restoration; ~~;~~

953 3. To pay for those projects that are funded with
 954 Alligator Alley toll revenues and that are contained in the
 955 1993-1994 adopted work program or the 1994-1995 tentative work
 956 program submitted to the Legislature on February 22, 1994; ~~and~~

957 4. To design ~~develop~~ and construct ~~operate~~ a fire station
 958 at mile marker 63 on Alligator Alley, which may be used by a
 959 county or another local governmental entity to provide fire,
 960 rescue, and emergency management services to the public on
 961 adjacent counties along Alligator Alley; and

962 5. By interlocal agreement effective July 1, 2014, through

963 no later than June 30, 2018, to reimburse a county or another
 964 local governmental entity for the direct actual costs of
 965 operating such fire station.

966 (b) Funds generated annually in excess of those required
 967 to pay the expenses in paragraph (a)~~7~~ may be transferred to the
 968 Everglades Fund of the South Florida Water Management District.
 969 The South Florida Water Management District shall deposit funds
 970 for projects undertaken pursuant to s. 373.4592 in the
 971 Everglades Trust Fund pursuant to s. 373.45926(4) (a). Any funds
 972 remaining in the Everglades Fund may be used for environmental
 973 projects to restore the natural values of the Everglades,
 974 subject to compliance with any applicable federal laws and
 975 regulations. Projects must ~~shall~~ be limited to:

976 1.(a) Highway redesign to allow for improved sheet flow of
 977 water across the southern Everglades.

978 2.(b) Water conveyance projects to enable more water
 979 resources to reach Florida Bay to replenish marine estuary
 980 functions.

981 3.(e) Engineering design plans for wastewater treatment
 982 facilities as recommended in the Water Quality Protection
 983 Program Document for the Florida Keys National Marine Sanctuary.

984 4.(d) Acquisition of lands to move STA 3/4 out of the Toe
 985 of the Boot, provided such lands are located within 1 mile of
 986 the northern border of STA 3/4.

987 5.(e) Other Everglades Construction Projects as described
 988 in the February 15, 1994, conceptual design document.

989 Section 16. Section 339.041, Florida Statutes, is created
 990 to read:

991 339.041 Factoring of revenues from leases for wireless
 992 communication facilities.-

993 (1) The Legislature finds that efforts to increase funding
 994 for capital expenditures for the transportation system are
 995 necessary for the protection of the public safety and general
 996 welfare and for the preservation of transportation facilities in
 997 this state. It is, therefore, the intent of the Legislature to:

998 (a) Create a mechanism for factoring future revenues
 999 received by the department from leases for wireless
 1000 communication facilities on department property on a nonrecourse
 1001 basis;

1002 (b) Fund fixed capital expenditures for the statewide
 1003 transportation system from proceeds generated through this
 1004 mechanism; and

1005 (c) Maximize revenues from factoring by ensuring that such
 1006 revenues are exempt from income taxation under federal law in
 1007 order to increase funds available for capital expenditures.

1008 (2) For the purposes of factoring revenues under this
 1009 section, department property includes real property located
 1010 within the department's limited access rights-of-way, property
 1011 located outside the current operating right-of-way limits which
 1012 is not needed to support current transportation facilities,
 1013 other property owned by the Board of Trustees of the Internal
 1014 Improvement Trust Fund and leased by the department, space on

1015 department telecommunications facilities, and space on
 1016 department structures.

1017 (3) The department may solicit investors willing to enter
 1018 into agreements to purchase the revenue stream from one or more
 1019 existing department leases for wireless communication facilities
 1020 on property owned or controlled by the department through the
 1021 issuance of an invitation to negotiate. Such agreements shall be
 1022 structured as tax-exempt financings for federal income tax
 1023 purposes in order to result in the largest possible payout.

1024 (4) The department may not pledge the credit, the general
 1025 revenues, or the taxing power of the state or of any political
 1026 subdivision of the state. The obligations of the department and
 1027 investors under the agreement do not constitute a general
 1028 obligation of the state or a pledge of the full faith and credit
 1029 or taxing power of the state. The agreement is payable from and
 1030 secured solely by payments received from department leases for
 1031 wireless communication facilities on property owned or
 1032 controlled by the department, and the state or any state agency
 1033 does not have any liability beyond such payments.

1034 (5) The department may make any covenant or representation
 1035 necessary or desirable in connection with the agreement,
 1036 including a commitment by the department to take whatever
 1037 actions are necessary on behalf of investors to enforce the
 1038 department's rights to payments on property leased for wireless
 1039 communications facilities. However, the department may not
 1040 guarantee that revenues actually received in a future year will

1041 be those anticipated in its leases for wireless communication
 1042 facilities. The department may agree to use its best efforts to
 1043 ensure that anticipated future-year revenues are protected. Any
 1044 risk that actual revenues received from department leases for
 1045 wireless communications facilities will be lower than
 1046 anticipated shall be borne exclusively by investors.

1047 (6) Subject to annual appropriation, the investors shall
 1048 collect the lease payments on a schedule and in a manner
 1049 established in the agreements entered into pursuant to this
 1050 section between the department and the investors. The agreements
 1051 may provide for lease payments to be made directly to investors
 1052 by lessees if the lease agreements entered into by the
 1053 department and the lessees pursuant to s. 365.172(12)(f) allow
 1054 direct payment.

1055 (7) Proceeds received by the department from leases for
 1056 wireless communication facilities shall be deposited in the
 1057 State Transportation Trust Fund created under s. 206.46 and used
 1058 for fixed capital expenditures for the statewide transportation
 1059 system.

1060 Section 17. Paragraphs (a) and (b) of subsection (3),
 1061 paragraph (a) of subsection (4), and paragraph (c) of subsection
 1062 (11) of section 339.175, Florida Statutes, are amended to read:

1063 339.175 Metropolitan planning organization.—

1064 (3) VOTING MEMBERSHIP.—

1065 (a) The voting membership of an M.P.O. shall consist of at
 1066 least ~~not fewer than~~ 5 but not ~~or~~ more than 25 ~~19~~ apportioned

1067 members, with the exact number ~~to be~~ determined on an equitable
 1068 geographic-population ratio basis ~~by the Governor~~, based on an
 1069 agreement among the affected units of general-purpose local
 1070 government and the Governor, as required by federal ~~rules and~~
 1071 regulations. ~~The Governor~~, In accordance with 23 U.S.C. s. 134,
 1072 the Governor may also allow ~~provide for~~ M.P.O. members who
 1073 represent municipalities to alternate with representatives from
 1074 other municipalities within the metropolitan planning area which
 1075 ~~that~~ do not have members on the M.P.O. With the exception of
 1076 instances in which all of the county commissioners in a single-
 1077 county M.P.O. are members of the M.P.O. governing board, county
 1078 commissioners ~~commission members~~ shall compose at least not less
 1079 ~~than~~ one-third of the M.P.O. governing board membership. A
 1080 multicounty M.P.O. may satisfy this requirement by any
 1081 combination of county commissioners from each of the counties
 1082 constituting the M.P.O., ~~except for an M.P.O. with more than 15~~
 1083 ~~members located in a county with a 5 member county commission or~~
 1084 ~~an M.P.O. with 19 members located in a county with no more than~~
 1085 ~~6 county commissioners, in which case county commission members~~
 1086 ~~may compose less than one-third percent of the M.P.O.~~
 1087 ~~membership, but all county commissioners must be members. All~~
 1088 Voting members shall be elected officials of general-purpose
 1089 local governments, one of whom may represent a group of general-
 1090 purpose local governments through an entity created by an M.P.O.
 1091 for that purpose. ~~except that~~ An M.P.O. may include, as part of
 1092 its apportioned voting members, a member of a statutorily

1093 authorized planning board, an official of an agency that
 1094 operates or administers a major mode of transportation, or an
 1095 official of Space Florida. As used in this section, the term
 1096 "elected officials of a general-purpose local government"
 1097 excludes ~~shall exclude~~ constitutional officers, including
 1098 sheriffs, tax collectors, supervisors of elections, property
 1099 appraisers, clerks of the court, and similar types of officials.
 1100 County commissioners shall compose not less than 20 percent of
 1101 the M.P.O. membership if an official of an agency that operates
 1102 or administers a major mode of transportation has been appointed
 1103 to an M.P.O.

1104 (b) In metropolitan areas in which authorities or other
 1105 agencies have been or may be created by law to perform
 1106 transportation functions and are or will be performing
 1107 transportation functions that are not under the jurisdiction of
 1108 a general-purpose local government represented on the M.P.O.,
 1109 such authorities or other agencies may ~~they shall~~ be provided
 1110 voting membership on the M.P.O. In all other M.P.O.'s in which
 1111 ~~where~~ transportation authorities or agencies are to be
 1112 represented by elected officials from general-purpose local
 1113 governments, the M.P.O. shall establish a process by which the
 1114 collective interests of such authorities or other agencies are
 1115 expressed and conveyed.

1116 (4) APPORTIONMENT.—

1117 (a) Each M.P.O. shall review the composition of its
 1118 membership in conjunction with the decennial census, as prepared

1119 by the United States Department of Commerce, Bureau of the
 1120 Census, and with the agreement of the Governor and the affected
 1121 general-purpose local government units that constitute the
 1122 existing M.P.O., reapportion the membership as necessary to
 1123 comply with subsection (3) ~~The Governor shall, with the~~
 1124 ~~agreement of the affected units of general-purpose local~~
 1125 ~~government as required by federal rules and regulations,~~
 1126 ~~apportion the membership on the applicable M.P.O. among the~~
 1127 ~~various governmental entities within the area. At the request of~~
 1128 a majority of the affected units of general-purpose local
 1129 government comprising an M.P.O., the Governor and a majority of
 1130 units of general-purpose local government serving on an M.P.O.
 1131 shall cooperatively agree upon and prescribe who may serve as an
 1132 alternate member and a method for appointing alternate members,
 1133 who may vote at any M.P.O. meeting that he or she ~~an alternate~~
 1134 ~~member~~ attends in place of a regular member. The method must
 1135 ~~shall~~ be set forth as a part of the interlocal agreement
 1136 describing the M.P.O. ~~M.P.O.'s~~ membership or in the M.P.O.'s
 1137 operating procedures and bylaws of the M.P.O. The governmental
 1138 entity so designated shall appoint the appropriate number of
 1139 members to the M.P.O. from eligible officials. Representatives
 1140 of the department shall serve as nonvoting advisers to the
 1141 M.P.O. governing board. Additional nonvoting advisers may be
 1142 appointed by the M.P.O. as deemed necessary; however, to the
 1143 maximum extent feasible, each M.P.O. shall seek to appoint
 1144 nonvoting representatives of various multimodal forms of

1145 transportation not otherwise represented by voting members of
 1146 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 1147 representing major military installations located within the
 1148 jurisdictional boundaries of the M.P.O. upon the request of the
 1149 aforesaid major military installations and subject to the
 1150 agreement of the M.P.O. All nonvoting advisers may attend and
 1151 participate fully in governing board meetings but may not vote
 1152 or be members of the governing board. ~~The Governor shall review~~
 1153 ~~the composition of the M.P.O. membership in conjunction with the~~
 1154 ~~decennial census as prepared by the United States Department of~~
 1155 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
 1156 ~~to comply with subsection (3).~~

1157 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

1158 (c) The powers and duties of the Metropolitan Planning
 1159 Organization Advisory Council are to:

- 1160 1. Enter into contracts with individuals, private
 1161 corporations, and public agencies.
- 1162 2. Acquire, own, operate, maintain, sell, or lease
 1163 personal property essential for the conduct of business.
- 1164 3. Accept funds, grants, assistance, gifts, or bequests
 1165 from private, local, state, or federal sources.
- 1166 4. Establish bylaws by action of its governing board
 1167 providing procedural rules to guide its proceedings and
 1168 consideration of matters before the council, or, alternatively,
 1169 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1170 implement provisions of law conferring powers or duties upon it.

1171 5. Assist M.P.O.'s in carrying out the urbanized area
 1172 transportation planning process by serving as the principal
 1173 forum for collective policy discussion pursuant to law.

1174 6. Serve as a clearinghouse for review and comment by
 1175 M.P.O.'s on the Florida Transportation Plan and on other issues
 1176 required to comply with federal or state law in carrying out the
 1177 urbanized area transportation and systematic planning processes
 1178 instituted pursuant to s. 339.155.

1179 7. Employ an executive director and such other staff as
 1180 necessary to perform adequately the functions of the council,
 1181 within budgetary limitations. The executive director and staff
 1182 are exempt from part II of chapter 110 and serve at the
 1183 direction and control of the council. The council is assigned to
 1184 the Office of the Secretary of the Department of Transportation
 1185 for fiscal and accountability purposes, but it shall otherwise
 1186 function independently of the control and direction of the
 1187 department.

1188 8. Adopt an agency strategic plan that prioritizes steps
 1189 ~~provides the priority directions~~ the agency will take to carry
 1190 out its mission within the context of the state comprehensive
 1191 plan and any other statutory mandates and directives ~~directions~~
 1192 ~~given to the agency~~.

1193 Section 18. Paragraph (a) of subsection (1) and
 1194 subsections (4) and (5) of section 339.2821, Florida Statutes,
 1195 are amended to read:

1196 339.2821 Economic development transportation projects.—

1197 (1) (a) The department, in consultation with the Department
 1198 of Economic Opportunity and Enterprise Florida, Inc., may make
 1199 and approve expenditures and contract with the appropriate
 1200 governmental body for the direct costs of transportation
 1201 projects. The Department of Economic Opportunity and the
 1202 Department of Environmental Protection may formally review and
 1203 comment on recommended transportation projects, although the
 1204 department has final approval authority for any project
 1205 authorized under this section.

1206 (4) A contract between the department and a governmental
 1207 body for a transportation project must:

1208 (a) Specify that the transportation project is for the
 1209 construction of a new or expanding business and specify the
 1210 number of full-time permanent jobs that will result from the
 1211 project.

1212 (b) Identify the governmental body and require that the
 1213 governmental body award the construction of the particular
 1214 transportation project to the lowest and best bidder in
 1215 accordance with applicable state and federal statutes or rules
 1216 unless the transportation project can be constructed using
 1217 existing local governmental employees within the contract period
 1218 specified by the department.

1219 (c) Require that the governmental body provide the
 1220 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
 1221 progress report must contain:

1222 1. A narrative description of the work completed and

1223 whether the work is proceeding according to the transportation
 1224 project schedule;

1225 2. A description of each change order executed by the
 1226 governmental body;

1227 3. A budget summary detailing planned expenditures
 1228 compared to actual expenditures; and

1229 4. The identity of each small or minority business used as
 1230 a contractor or subcontractor.

1231 (d) Require that the governmental body make and maintain
 1232 records in accordance with accepted governmental accounting
 1233 principles and practices for each progress payment made for work
 1234 performed in connection with the transportation project, each
 1235 change order executed by the governmental body, and each payment
 1236 made pursuant to a change order. The records are subject to
 1237 financial audit as required by law.

1238 (e) Require that the governmental body, upon completion
 1239 and acceptance of the transportation project, certify to the
 1240 department that the transportation project has been completed in
 1241 compliance with the terms and conditions of the contract between
 1242 the department and the governmental body and meets the minimum
 1243 construction standards established in accordance with s.
 1244 336.045.

1245 (f) Specify that ~~the department transfer funds~~ will not be
 1246 transferred to the governmental body unless construction has
 1247 begun on the facility of the ~~not more often than quarterly, upon~~
 1248 ~~receipt of a request for funds from the governmental body and~~

1249 ~~consistent with the needs of the transportation project. The~~
 1250 ~~governmental body shall expend funds received from the~~
 1251 ~~department in a timely manner. The department may not transfer~~
 1252 ~~funds unless construction has begun on the facility of a~~
 1253 ~~business on whose behalf the award was made. The grant award~~
 1254 ~~shall be terminated if construction of the transportation~~
 1255 ~~project does not begin within 4 years after the date of the~~
 1256 ~~initial grant award A contract totaling less than \$200,000 is~~
 1257 ~~exempt from the transfer requirement.~~

1258 (g) Require that funds be used only on a transportation
 1259 project that has been properly reviewed and approved in
 1260 accordance with the criteria provided ~~set forth~~ in this section.

1261 (h) Require that the governing board of the governmental
 1262 body adopt a resolution accepting future maintenance and other
 1263 attendant costs occurring after completion of the transportation
 1264 project if the transportation project is constructed on a county
 1265 or municipal system.

1266 (5) For purposes of this section, Space Florida may serve
 1267 as the governmental body or as the contracting agency for a
 1268 ~~transportation~~ project within a spaceport territory as defined
 1269 by s. 331.304.

1270 Section 19. Sections 339.401, 339.402, 339.403, 339.404,
 1271 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,
 1272 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,
 1273 339.420, and 339.421, Florida Statutes, are repealed.

1274 Section 20. Paragraph (d) of subsection (3) of section

1275 343.82, Florida Statutes, is amended to read:

1276 343.82 Purposes and powers.—

1277 (3)

1278 (d) The authority may undertake projects or other
 1279 improvements in the master plan in phases as particular projects
 1280 or segments thereof become feasible, as determined by the
 1281 authority. In carrying out its purposes and powers, the
 1282 authority may request funding and technical assistance from the
 1283 department and appropriate federal and local agencies,
 1284 including, but not limited to, state infrastructure bank loans,
 1285 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~
 1286 ~~any other sources.~~

1287 Section 21. Subsection (4) of section 343.922, Florida
 1288 Statutes, is amended to read:

1289 343.922 Powers and duties.—

1290 (4) The authority may undertake projects or other
 1291 improvements in the master plan in phases as particular projects
 1292 or segments become feasible, as determined by the authority. The
 1293 authority shall coordinate project planning, development, and
 1294 implementation with the applicable local governments. The
 1295 authority's projects that are transportation oriented must ~~shall~~
 1296 be consistent to the maximum extent feasible with the adopted
 1297 local government comprehensive plans at the time such projects
 1298 ~~they~~ are funded for construction. Authority projects that are
 1299 not transportation oriented and meet the definition of
 1300 development pursuant to s. 380.04 must ~~shall~~ be consistent with

1301 the local comprehensive plans. In carrying out its purposes and
 1302 powers, the authority may request funding and technical
 1303 assistance from the department and appropriate federal and local
 1304 agencies, including, but not limited to, state infrastructure
 1305 bank loans, ~~advances from the Toll Facilities Revolving Trust~~
 1306 ~~Fund, and funding and technical assistance from any other~~
 1307 ~~source.~~

1308 Section 22. Section 373.4137, Florida Statutes, is amended
 1309 to read:

1310 373.4137 Mitigation requirements for specified
 1311 transportation projects.—

1312 (1) The Legislature finds that environmental mitigation
 1313 for the impact of transportation projects proposed by the
 1314 Department of Transportation or a transportation authority
 1315 established pursuant to chapter 348 or chapter 349 can be more
 1316 effectively achieved by regional, long-range mitigation planning
 1317 rather than on a project-by-project basis. It is the intent of
 1318 the Legislature that mitigation to offset the adverse effects of
 1319 these transportation projects be funded by the Department of
 1320 Transportation and be carried out by the use of mitigation banks
 1321 and any other mitigation options that satisfy state and federal
 1322 requirements in a manner that promotes efficiency, timeliness in
 1323 project delivery, and cost-effectiveness.

1324 (2) Environmental impact inventories for transportation
 1325 projects proposed by the Department of Transportation or a
 1326 transportation authority established pursuant to chapter 348 or

1327 chapter 349 shall be developed as follows:

1328 (a) By July 1 of each year, the Department of
 1329 Transportation, or a transportation authority established
 1330 pursuant to chapter 348 or chapter 349 which chooses to
 1331 participate in the program, shall submit to the water management
 1332 districts a list of its projects in the adopted work program and
 1333 an environmental impact inventory of habitat impacts and the
 1334 anticipated mitigation needed to offset impacts as described in
 1335 paragraph (b). The environmental impact inventory must be based
 1336 on ~~habitats addressed in~~ the rules adopted pursuant to this
 1337 part, and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and
 1338 the Department of Transportation's ~~which may be impacted by its~~
 1339 plan of construction for transportation projects in the next 3
 1340 years of the tentative work program. The Department of
 1341 Transportation or a transportation authority established
 1342 pursuant to chapter 348 or chapter 349 may also include in its
 1343 environmental impact inventory the habitat impacts and the
 1344 anticipated amount of mitigation needed for ~~of~~ any future
 1345 transportation project. The Department of Transportation and
 1346 each transportation authority established pursuant to chapter
 1347 348 or chapter 349 may fund any mitigation activities for future
 1348 projects using current year funds.

1349 (b) The environmental impact inventory must ~~shall~~ include
 1350 a description of ~~these~~ habitat impacts, including ~~their~~
 1351 location, acreage, and type; the anticipated mitigation needed
 1352 based on the functional loss as determined through the uniform

1353 mitigation assessment method adopted by the Department of
 1354 Environmental Protection by rule pursuant to s. 373.414(18);
 1355 identification of the proposed mitigation option; state water
 1356 quality classification of impacted wetlands and other surface
 1357 waters; any other state or regional designations for these
 1358 habitats; and a list of threatened species, endangered species,
 1359 and species of special concern affected by the proposed project.

1360 (c) Before projects are identified for inclusion in a
 1361 water management district mitigation plan as described in
 1362 subsection (4), the Department of Transportation must consider
 1363 using credits from a permitted mitigation bank. The Department
 1364 of Transportation must consider the availability of suitable and
 1365 sufficient mitigation bank credits within the transportation
 1366 project's area, the ability to satisfy commitments to regulatory
 1367 and resource agencies, the availability of suitable and
 1368 sufficient mitigation purchased or developed under this section,
 1369 the ability to complete suitable existing water management
 1370 district or Department of Environmental Protection mitigation
 1371 sites initiated with Department of Transportation mitigation
 1372 funds, and the ability to satisfy state and federal
 1373 requirements, including long-term maintenance and liability.

1374 (3) (a) To implement the mitigation option ~~fund development~~
 1375 ~~and implementation of the mitigation plan for the projected~~
 1376 ~~impacts~~ identified in the environmental impact inventory
 1377 described in subsection (2), the Department of Transportation
 1378 may purchase credits for current and future use directly from a

1379 mitigation bank, purchase mitigation services through the water
 1380 management districts or the Department of Environmental
 1381 Protection, conduct its own mitigation, or use other mitigation
 1382 options that meet state and federal requirements. Funding for
 1383 the identified mitigation option as described in the
 1384 environmental impact inventory must be included in ~~shall~~
 1385 ~~identify funds quarterly in an escrow account within the State~~
 1386 ~~Transportation Trust Fund for the environmental mitigation phase~~
 1387 ~~of projects budgeted by the Department of~~ Transportation's work
 1388 program developed pursuant to s. 339.135 ~~Transportation for the~~
 1389 ~~current fiscal year. The amount programmed each year by the~~
 1390 Department of Transportation and participating transportation
 1391 authorities established pursuant to chapter 348 or chapter 349
 1392 must correspond to an estimated cost to mitigate for the
 1393 functional loss identified in the environmental impact inventory
 1394 described in subsection (2) ~~The escrow account shall be~~
 1395 ~~maintained by the Department of Transportation for the benefit~~
 1396 ~~of the water management districts. Any interest earnings from~~
 1397 ~~the escrow account shall remain with the Department of~~
 1398 ~~Transportation.~~

1399 (b) Each transportation authority established pursuant to
 1400 chapter 348 or chapter 349 which ~~that~~ chooses to participate in
 1401 this program shall create an escrow account within its financial
 1402 structure and deposit funds in the account to pay for the
 1403 environmental mitigation phase of projects budgeted for the
 1404 current fiscal year. The escrow account shall be maintained by

1405 the authority for the benefit of the water management districts.
 1406 Any interest earnings from the escrow account must ~~shall~~ remain
 1407 with the authority.

1408 (c) For mitigation implemented by the water management
 1409 district or the Department of Environmental Protection, as
 1410 appropriate, the amount paid each year must be based on
 1411 mitigation services provided by the water management districts
 1412 or the Department of Environmental Protection pursuant to an
 1413 approved water management district mitigation plan, as described
 1414 in subsection (4). ~~Except for current mitigation projects in the~~
 1415 ~~monitoring and maintenance phase and except as allowed by~~
 1416 ~~paragraph (d),~~ The water management districts or the Department
 1417 of Environmental Protection, as appropriate, may request payment
 1418 ~~a transfer of funds from an escrow account~~ no sooner than 30
 1419 days before the date the funds are needed to pay for activities
 1420 associated with development or implementation of permitted
 1421 mitigation that meets the requirements of this part, 33 U.S.C.
 1422 s. 1344, and 33 C.F.R. part 332, in the approved water
 1423 management district mitigation plan described in subsection (4)
 1424 ~~for the current fiscal year, including, but not limited to,~~
 1425 ~~design, engineering, production, and staff support. Actual~~
 1426 ~~conceptual plan preparation costs incurred before plan approval~~
 1427 ~~may be submitted to the Department of Transportation or the~~
 1428 ~~appropriate transportation authority each year with the plan.~~
 1429 ~~The conceptual plan preparation costs of each water management~~
 1430 ~~district will be paid from mitigation funds associated with the~~

1431 ~~environmental impact inventory for the current year. The amount~~
 1432 ~~transferred to the escrow accounts each year by the Department~~
 1433 ~~of Transportation and participating transportation authorities~~
 1434 ~~established pursuant to chapter 348 or chapter 349 shall~~
 1435 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
 1436 ~~projected acres of impact identified in the environmental impact~~
 1437 ~~inventory described in subsection (2). However, the \$75,000 cost~~
 1438 ~~per acre does not constitute an admission against interest by~~
 1439 ~~the state or its subdivisions and is not admissible as evidence~~
 1440 ~~of full compensation for any property acquired by eminent domain~~
 1441 ~~or through inverse condemnation. Each July 1, the cost per acre~~
 1442 ~~shall be adjusted by the percentage change in the average of the~~
 1443 ~~Consumer Price Index issued by the United States Department of~~
 1444 ~~Labor for the most recent 12-month period ending September 30,~~
 1445 ~~compared to the base year average, which is the average for the~~
 1446 ~~12-month period ending September 30, 1996. Each quarter, The~~
 1447 ~~projected amount of mitigation acreage of impact shall be~~
 1448 ~~reconciled each quarter with the actual amount of mitigation~~
 1449 ~~needed for acreage of impact of projects as permitted, including~~
 1450 ~~permit modifications, pursuant to this part and s. 404 of the~~
 1451 ~~Clean Water Act, 33 U.S.C. s. 1344. The subject year's~~
 1452 ~~programming ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to~~
 1453 ~~reflect the mitigation acreage of impacts as permitted. If the~~
 1454 ~~water management district excludes a project from an approved~~
 1455 ~~water management district mitigation plan, if the water~~
 1456 ~~management district cannot timely permit a mitigation site to~~

1457 offset the impacts of a Department of Transportation project
 1458 identified in the environmental impact inventory, or if the
 1459 proposed mitigation does not meet state and federal
 1460 requirements, the Department of Transportation may use the
 1461 associated funds for the purchase of mitigation bank credits or
 1462 any other mitigation option that satisfies state and federal
 1463 requirements. ~~The Department of Transportation and participating~~
 1464 ~~transportation authorities established pursuant to chapter 348~~
 1465 ~~or chapter 349 are authorized to transfer such funds from the~~
 1466 ~~escrow accounts to the water management districts to carry out~~
 1467 ~~the mitigation programs. Environmental mitigation funds that are~~
 1468 ~~identified for or maintained in an escrow account for the~~
 1469 ~~benefit of a water management district may be released if the~~
 1470 ~~associated transportation project is excluded in whole or part~~
 1471 ~~from the mitigation plan. For a mitigation project that is in~~
 1472 ~~the maintenance and monitoring phase, the water management~~
 1473 ~~district may request and receive a one-time payment based on the~~
 1474 ~~project's expected future maintenance and monitoring costs. Upon~~
 1475 final disbursement of the final maintenance and monitoring
 1476 payment for mitigation of a transportation project as permitted,
 1477 the obligation of the Department of Transportation or the
 1478 participating transportation authority is satisfied, and the
 1479 water management district or the Department of Environmental
 1480 Protection, as appropriate, has continuing responsibility for
 1481 the mitigation project, ~~the escrow account for the project~~
 1482 ~~established by the Department of Transportation or the~~

1483 ~~participating transportation authority may be closed. Any~~
 1484 ~~interest earned on these disbursed funds shall remain with the~~
 1485 ~~water management district and must be used as authorized under~~
 1486 ~~this section.~~

1487 (d) Beginning with the March 2015 water management
 1488 district mitigation plans in the 2005-2006 fiscal year, each
 1489 water management district or the Department of Environmental
 1490 Protection, as appropriate, shall invoice the Department of
 1491 Transportation for mitigation services to offset only the
 1492 impacts of a Department of Transportation project identified in
 1493 the environmental impact inventory, including planning, design,
 1494 construction, maintenance and monitoring, and other costs
 1495 necessary to meet the requirements of this section, 33 U.S.C. s.
 1496 1344, and 33 C.F.R. part 332 be paid a lump sum amount of
 1497 \$75,000 per acre, adjusted as provided under paragraph (c), for
 1498 federally funded transportation projects that are included on
 1499 the environmental impact inventory and that have an approved
 1500 mitigation plan. If the water management district identifies the
 1501 use of mitigation bank credits to offset a Department of
 1502 Transportation impact, the water management district shall
 1503 exclude that purchase from the mitigation plan, and the
 1504 Department of Transportation shall purchase the bank credits.
 1505 ~~Beginning in the 2009-2010 fiscal year, each water management~~
 1506 ~~district shall be paid a lump sum amount of \$75,000 per acre,~~
 1507 ~~adjusted as provided under paragraph (c), for federally funded~~
 1508 ~~and nonfederally funded transportation projects that have an~~

1509 ~~approved mitigation plan. All mitigation costs, including, but~~
 1510 ~~not limited to, the costs of preparing conceptual plans and the~~
 1511 ~~costs of design, construction, staff support, future~~
 1512 ~~maintenance, and monitoring the mitigated acres shall be funded~~
 1513 ~~through these lump-sum amounts.~~

1514 (e) For mitigation activities occurring on existing water
 1515 management district or Department of Environmental Protection
 1516 mitigation sites initiated with Department of Transportation
 1517 mitigation funds before July 1, 2013, the water management
 1518 district or the Department of Environmental Protection, as
 1519 appropriate, shall invoice the Department of Transportation or a
 1520 participating transportation authority at a cost per acre of
 1521 \$75,000 multiplied by the projected acres of impact as
 1522 identified in the environmental impact inventory. The cost per
 1523 acre must be adjusted by the percentage change in the average of
 1524 the Consumer Price Index issued by the United States Department
 1525 of Labor for the most recent 12-month period ending September
 1526 30, compared to the base year average, which is the average for
 1527 the 12-month period ending September 30, 1996. When implementing
 1528 the mitigation activities necessary to offset the permitted
 1529 impacts as provided in the approved mitigation plan, the water
 1530 management district shall maintain records of the costs incurred
 1531 in implementing the mitigation. The records must include, but
 1532 are not limited to, costs for planning, land acquisition,
 1533 design, construction, staff support, long-term maintenance and
 1534 monitoring of the mitigation site, and other costs necessary to

1535 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
 1536 332.
 1537 (f) For purposes of preparing and implementing the
 1538 mitigation plans to be adopted by the water management districts
 1539 on or before March 1, 2014, for impacts based on the July 1,
 1540 2013, environmental impact inventory, the funds identified in
 1541 the Department of Transportation's work program or participating
 1542 transportation authorities' escrow accounts must correspond to a
 1543 cost per acre of \$75,000 multiplied by the projected acres of
 1544 impact as identified in the environmental impact inventory. The
 1545 cost per acre must be adjusted by the percentage change in the
 1546 average of the Consumer Price Index issued by the United States
 1547 Department of Labor for the most recent 12-month period ending
 1548 September 30, compared to the base year average, which is the
 1549 average for the 12-month period ending September 30, 1996.
 1550 Payment under this paragraph is limited to mitigation activities
 1551 that are identified in the first year of the 2013 mitigation
 1552 plan and for which the transportation project is permitted and
 1553 are in the Department of Transportation's adopted work program,
 1554 or equivalent for a transportation authority. When implementing
 1555 the mitigation activities necessary to offset the permitted
 1556 impacts as provided in the approved mitigation plan, the water
 1557 management district shall maintain records of the costs incurred
 1558 in implementing the mitigation. The records must include, but
 1559 are not limited to, costs for planning, land acquisition,
 1560 design, construction, staff support, long-term maintenance and

1561 monitoring of the mitigation site, and other costs necessary to
 1562 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
 1563 332. To the extent moneys paid to a water management district by
 1564 the Department of Transportation or a participating
 1565 transportation authority are greater than the amount spent by
 1566 the water management districts in implementing the mitigation to
 1567 offset the permitted impacts, these funds must be refunded to
 1568 the Department of Transportation or participating transportation
 1569 authority. This paragraph expires June 30, 2015.

1570 (4) Before March 1 of each year, each water management
 1571 district shall develop a mitigation plan to offset only the
 1572 impacts of transportation projects in the environmental impact
 1573 inventory for which a water management district is implementing
 1574 mitigation that meets the requirements of this section, 33
 1575 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management
 1576 district mitigation plan must be developed, in consultation with
 1577 the Department of Environmental Protection, the United States
 1578 Army Corps of Engineers, the Department of Transportation,
 1579 participating transportation authorities established pursuant to
 1580 chapter 348 or chapter 349, ~~and~~ other appropriate federal,
 1581 state, and local governments, and other interested parties,
 1582 including entities operating mitigation banks, ~~shall develop a~~
 1583 ~~plan for the primary purpose of complying with the mitigation~~
 1584 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
 1585 ~~1344.~~ In developing such plans, the water management districts
 1586 shall use sound ecosystem management practices to address

1587 significant water resource needs and consider ~~shall focus on~~
 1588 activities of the Department of Environmental Protection and the
 1589 water management districts, such as surface water improvement
 1590 and management (SWIM) projects and lands identified for
 1591 potential acquisition for preservation, restoration, or
 1592 enhancement, and the control of invasive and exotic plants in
 1593 wetlands and other surface waters, to the extent that the
 1594 activities comply with the mitigation requirements adopted under
 1595 this part, and 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The
 1596 water management district mitigation plan must identify each
 1597 site where the water management district will mitigate for a
 1598 transportation project. For each mitigation site, the water
 1599 management district shall provide the scope of the mitigation
 1600 services; provide the functional gain as determined through the
 1601 uniform mitigation assessment method adopted by the Department
 1602 of Environmental Protection by rule pursuant to s. 373.414(18);
 1603 describe how the mitigation offsets the impacts of each
 1604 transportation project as permitted; and provide a schedule for
 1605 the mitigation services. The water management districts shall
 1606 maintain records of costs incurred and payments received for
 1607 providing these services. Records must include, but are not
 1608 limited to, planning, land acquisition, design, construction,
 1609 staff support, long-term maintenance and monitoring of the
 1610 mitigation site, and other costs necessary to meet the
 1611 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
 1612 extent moneys paid to a water management district by the

1613 Department of Transportation or a participating transportation
 1614 authority are greater than the amount spent by the water
 1615 management districts in providing the mitigation services to
 1616 offset the permitted transportation project impacts, these
 1617 moneys must be refunded to the Department of Transportation or
 1618 participating transportation authority ~~In determining the~~
 1619 ~~activities to be included in the plans, the districts shall~~
 1620 ~~consider the purchase of credits from public or private~~
 1621 ~~mitigation banks permitted under s. 373.4136 and associated~~
 1622 ~~federal authorization and shall include the purchase as a part~~
 1623 ~~of the mitigation plan when the purchase would offset the impact~~
 1624 ~~of the transportation project, provide equal benefits to the~~
 1625 ~~water resources than other mitigation options being considered,~~
 1626 ~~and provide the most cost-effective mitigation option.~~ The
 1627 mitigation plan shall be submitted to the water management
 1628 district governing board~~,~~ or its designee~~,~~ for review and
 1629 approval. At least 14 days before approval by the governing
 1630 board, the water management district shall provide a copy of the
 1631 draft mitigation plan to the Department of Environmental
 1632 Protection and any person who has requested a copy. Subsequent
 1633 to the governing board approval, the mitigation plan shall be
 1634 submitted to the Department of Environmental Protection for
 1635 approval. The plan may not be implemented until it is submitted
 1636 to, and approved, in part or in its entirety~~,~~ by, the Department
 1637 of Environmental Protection.

1638 ~~(a) For each transportation project with a funding request~~

1639 ~~for the next fiscal year, the mitigation plan must include a~~
 1640 ~~brief explanation of why a mitigation bank was or was not chosen~~
 1641 ~~as a mitigation option, including an estimation of identifiable~~
 1642 ~~costs of the mitigation bank and nonbank options and other~~
 1643 ~~factors such as time saved, liability for success of the~~
 1644 ~~mitigation, and long term maintenance.~~

1645 (a) (b) Specific projects may be excluded from the
 1646 mitigation plan, in whole or in part, and are not subject to
 1647 this section upon the election of the Department of
 1648 Transportation, a transportation authority if applicable, or the
 1649 appropriate water management district. The Department of
 1650 Transportation or a participating transportation authority may
 1651 not exclude a transportation project from the mitigation plan if
 1652 mitigation is scheduled for implementation by the water
 1653 management district in the current fiscal year unless the
 1654 transportation project is removed from the Department of
 1655 Transportation's work program or transportation authority
 1656 funding plan, the mitigation cannot be timely permitted to
 1657 offset the impacts of a Department of Transportation project
 1658 identified in the environmental impact inventory, or the
 1659 proposed mitigation does not meet state and federal
 1660 requirements. If a project is removed from the work program or
 1661 the mitigation plan, costs spent by the water management
 1662 district before removal are eligible for reimbursement by the
 1663 Department of Transportation or participating transportation
 1664 authority.

1665 (b)~~(e)~~ When determining which projects to include in or
 1666 exclude from the mitigation plan, the Department of
 1667 Transportation shall investigate using credits from a permitted
 1668 mitigation bank before those projects are submitted for
 1669 inclusion in a water management district mitigation ~~the~~ plan.
 1670 The Department of Transportation shall exclude a project from
 1671 the mitigation plan if the investigation undertaken pursuant to
 1672 this paragraph results in the conclusion that the use of credits
 1673 from a permitted mitigation bank promotes efficiency, timeliness
 1674 in project delivery, ~~The investigation shall consider the cost-~~
 1675 ~~effectiveness, and of mitigation bank credits, including, but~~
 1676 ~~not limited to, factors such as time saved, transfer of~~
 1677 ~~liability for success of the mitigation, and long-term~~
 1678 maintenance.

1679 (5) The water management district shall ensure that
 1680 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
 1681 C.F.R. part 332 are met for the impacts identified in the
 1682 environmental impact inventory for which the water management
 1683 district will implement mitigation described in subsection (2),
 1684 by implementation of the approved mitigation plan described in
 1685 subsection (4) to the extent funding is provided by the
 1686 Department of Transportation, or a transportation authority
 1687 established pursuant to chapter 348 or chapter 349, if
 1688 applicable. In developing and implementing the mitigation plan,
 1689 the water management district shall comply with federal
 1690 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33

1691 C.F.R. part 332. During the federal permitting process, the
 1692 water management district may deviate from the approved
 1693 mitigation plan in order to comply with federal permitting
 1694 requirements upon notice and coordination with the Department of
 1695 Transportation or participating transportation authority.

1696 (6) The water management district mitigation plans shall
 1697 be updated annually to reflect the most current Department of
 1698 Transportation work program and project list of a transportation
 1699 authority established pursuant to chapter 348 or chapter 349, if
 1700 applicable, and may be amended throughout the year to anticipate
 1701 schedule changes or additional projects that ~~which~~ may arise.
 1702 Before amending the mitigation plan to include new projects, the
 1703 Department of Transportation must consider mitigation banks and
 1704 other available mitigation options that meet state and federal
 1705 requirements. Each update and amendment of the mitigation plan
 1706 shall be submitted to the governing board of the water
 1707 management district or its designee for approval. However, such
 1708 approval shall not apply ~~be applicable~~ to a deviation as
 1709 described in subsection (5).

1710 (7) Upon approval by the governing board of the water
 1711 management district and the Department of Environmental
 1712 Protection ~~or its designee~~, the mitigation plan shall ~~be deemed~~
 1713 ~~to~~ satisfy the mitigation requirements under this part for
 1714 impacts specifically identified in the environmental impact
 1715 inventory described in subsection (2) and any other mitigation
 1716 requirements imposed by local, regional, and state agencies for

1717 these same impacts. The approval of the governing board of the
 1718 water management district and the Department of Environmental
 1719 Protection authorizes ~~or its designee shall authorize~~ the
 1720 activities proposed in the mitigation plan, and no other state,
 1721 regional, or local permit or approval is ~~shall be~~ necessary.

1722 (8) This section does ~~shall not be construed to~~ eliminate
 1723 the need for the Department of Transportation or a
 1724 transportation authority established pursuant to chapter 348 or
 1725 chapter 349 to comply with the requirement to implement
 1726 practicable design modifications, including realignment of
 1727 transportation projects, to reduce or eliminate the impacts of
 1728 its transportation projects on wetlands and other surface waters
 1729 as required by rules adopted pursuant to this part, or to
 1730 diminish the authority under this part to regulate other
 1731 impacts, including water quantity or water quality impacts, or
 1732 impacts regulated under this part which ~~that~~ are not identified
 1733 in the environmental impact inventory described in subsection
 1734 (2).

1735 ~~(9) The process for environmental mitigation for the~~
 1736 ~~impact of transportation projects under this section shall be~~
 1737 ~~available to an expressway, bridge, or transportation authority~~
 1738 ~~established under chapter 348 or chapter 349. Use of this~~
 1739 ~~process may be initiated by an authority depositing the~~
 1740 ~~requisite funds into an escrow account set up by the authority~~
 1741 ~~and filing an environmental impact inventory with the~~
 1742 ~~appropriate water management district. An authority that~~

1743 ~~initiates the environmental mitigation process established by~~
 1744 ~~this section shall comply with subsection (6) by timely~~
 1745 ~~providing the appropriate water management district with the~~
 1746 ~~requisite work program information. A water management district~~
 1747 ~~may draw down funds from the escrow account as provided in this~~
 1748 ~~section.~~

1749 Section 23. Section 373.618, Florida Statutes, is amended
 1750 to read:

1751 373.618 Public service warnings, alerts, and
 1752 announcements.—The Legislature believes it is in the public
 1753 interest that all water management districts created pursuant to
 1754 s. 373.069 own, acquire, develop, construct, operate, and manage
 1755 public information systems. Public information systems may be
 1756 located on property owned by the water management district, upon
 1757 terms and conditions approved by the water management district,
 1758 and must display messages to the general public concerning water
 1759 management services, activities, events, and sponsors, as well
 1760 as other public service announcements, including watering
 1761 restrictions, severe weather reports, amber alerts, and other
 1762 essential information needed by the public. Local government
 1763 review or approval is not required for a public information
 1764 system owned or hereafter acquired, developed, or constructed by
 1765 the water management district on its own property. A public
 1766 information system is subject to ~~exempt from~~ the requirements of
 1767 the Highway Beautification Act of 1965 and all Federal Laws and
 1768 agreements, when applicable ~~chapter 479~~. Water management

1769 district funds may not be used to pay the cost to acquire,
 1770 develop, construct, operate, or manage a public information
 1771 system. Any necessary funds for a public information system
 1772 shall be paid for and collected from private sponsors who may
 1773 display commercial messages.

1774 Section 24. Section 479.01, Florida Statutes, is amended
 1775 to read:

1776 479.01 Definitions.—As used in this chapter, the term:

1777 (1) "Allowable uses" means the intended uses identified in
 1778 a local government's land development regulations which ~~these~~
 1779 uses that are authorized within a zoning category as a use by
 1780 right, without the requirement to obtain a variance or waiver.

1781 The term includes conditional uses and those allowed by special
 1782 exception if such uses are a present and actual use, but does
 1783 not include uses that are accessory, ancillary, incidental to
 1784 the allowable uses, or allowed only on a temporary basis.

1785 (2) "Automatic changeable facing" means a facing that is
 1786 capable of delivering two or more advertising messages through
 1787 an automated or remotely controlled process.

1788 (3) "Business of outdoor advertising" means the business
 1789 of ~~constructing, erecting,~~ operating, ~~using,~~ maintaining,
 1790 leasing, or selling outdoor advertising structures, outdoor
 1791 advertising signs, or outdoor advertisements.

1792 ~~(4) "Commercial or industrial zone" means a parcel of land~~
 1793 ~~designated for commercial or industrial uses under both the~~
 1794 ~~future land use map of the comprehensive plan and the land use~~

1795 ~~development regulations adopted pursuant to chapter 163. If a~~
 1796 ~~parcel is located in an area designated for multiple uses on the~~
 1797 ~~future land use map of a comprehensive plan and the zoning~~
 1798 ~~category of the land development regulations does not clearly~~
 1799 ~~designate that parcel for a specific use, the area will be~~
 1800 ~~considered an unzoned commercial or industrial area if it meets~~
 1801 ~~the criteria of subsection (26).~~

1802 (4)~~(5)~~ "Commercial use" means activities associated with
 1803 the sale, rental, or distribution of products or the performance
 1804 of services. The term includes, but is not limited to ~~without~~
 1805 ~~limitation~~, such uses or activities as retail sales; wholesale
 1806 sales; rentals of equipment, goods, or products; offices;
 1807 restaurants; food service vendors; sports arenas; theaters; and
 1808 tourist attractions.

1809 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
 1810 nearest edge of the right-of-way of any portion of the State
 1811 Highway System, interstate, or federal-aid primary highway
 1812 system and beyond 660 feet of the nearest edge of the right-of-
 1813 way of any portion of the State Highway System, interstate
 1814 highway system, or federal-aid primary system outside an urban
 1815 area.

1816 (6)~~(7)~~ "Department" means the Department of
 1817 Transportation.

1818 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
 1819 place, affix, attach, create, paint, draw, or in any other way
 1820 bring into being or establish. The term, ~~but it~~ does not include

1821 ~~such any of the foregoing~~ activities when performed as an
 1822 incident to the change of advertising message or customary
 1823 maintenance or repair of a sign.

1824 ~~(8)(9)~~ "Federal-aid primary highway system" means the
 1825 federal-aid primary highway system in existence on June 1, 1991,
 1826 and any highway that was not a part of such system as of that
 1827 date but that is, or became after June 1, 1991, a part of the
 1828 National Highway System, including portions that have been
 1829 accepted as part of the National Highway System but are unbuilt
 1830 or unopened ~~existing, unbuilt, or unopened system of highways or~~
 1831 ~~portions thereof, which shall include the National Highway~~
 1832 ~~System, designated as the federal-aid primary highway system by~~
 1833 ~~the department.~~

1834 ~~(9)(10)~~ "Highway" means any road, street, or other way
 1835 open or intended to be opened to the public for travel by motor
 1836 vehicles.

1837 ~~(10)(11)~~ "Industrial use" means activities associated with
 1838 the manufacture, assembly, processing, or storage of products or
 1839 the performance of related services ~~relating thereto~~. The term
 1840 includes, but is not limited to ~~without limitation~~, such uses or
 1841 activities as automobile manufacturing or repair, boat
 1842 manufacturing or repair, junk yards, meat packing facilities,
 1843 citrus processing and packing facilities, produce processing and
 1844 packing facilities, electrical generating plants, water
 1845 treatment plants, sewage treatment plants, and solid waste
 1846 disposal sites.

1847 (11)~~(12)~~ "Interstate highway system" means the existing,
 1848 unbuilt, or unopened system of highways or portions thereof
 1849 designated as the national system of interstate and defense
 1850 highways by the department.

1851 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
 1852 highway on which through traffic is carried. In the case of a
 1853 divided highway, the traveled way of each of the separate
 1854 roadways for traffic in opposite directions is a main-traveled
 1855 way. The term ~~It~~ does not include such facilities as frontage
 1856 roads, turning roadways which specifically include on-ramps or
 1857 off-ramps to the interstate highway system, or parking areas.

1858 (13)~~(14)~~ "Maintain" means to allow to exist.

1859 (14)~~(15)~~ "Motorist services directional signs" means signs
 1860 providing directional information about goods and services in
 1861 the interest of the traveling public where such signs were
 1862 lawfully erected and in existence on or before May 6, 1976, and
 1863 continue to provide directional information to goods and
 1864 services in a defined area.

1865 (15)~~(16)~~ "New highway" means the construction of any road,
 1866 paved or unpaved, where no road previously existed or the act of
 1867 paving any previously unpaved road.

1868 (16)~~(17)~~ "Nonconforming sign" means a sign which was
 1869 lawfully erected but which does not comply with the land use,
 1870 setback, size, spacing, and lighting provisions of state or
 1871 local law, rule, regulation, or ordinance passed at a later date
 1872 or a sign which was lawfully erected but which later fails to

1873 comply with state or local law, rule, regulation, or ordinance
 1874 due to changed conditions.

1875 ~~(17)-(18)~~ "Premises" means all the land areas under
 1876 ownership or lease arrangement to the sign owner which are
 1877 contiguous to the business conducted on the land except for
 1878 instances where such land is a narrow strip contiguous to the
 1879 advertised activity or is connected by such narrow strip, the
 1880 only viable use of such land is to erect or maintain an
 1881 advertising sign. If ~~When~~ the sign owner is a municipality or
 1882 county, the term means ~~"premises" shall mean~~ all lands owned or
 1883 leased by the ~~such~~ municipality or county within its
 1884 jurisdictional boundaries ~~as set forth by law~~.

1885 ~~(18)-(19)~~ "Remove" means to disassemble all sign materials
 1886 above ground level and ~~7~~ transport such materials from the site,
 1887 ~~and dispose of sign materials by sale or destruction.~~

1888 ~~(19)-(20)~~ "Sign" means any combination of structure and
 1889 message in the form of an outdoor sign, display, device, figure,
 1890 painting, drawing, message, placard, poster, billboard,
 1891 advertising structure, advertisement, logo, symbol, or other
 1892 form, whether placed individually or on a V-type, back-to-back,
 1893 side-to-side, stacked, or double-faced display or automatic
 1894 changeable facing, designed, intended, or used to advertise or
 1895 inform, any part of the advertising message or informative
 1896 contents of which is visible from any place on the main-traveled
 1897 way. The term does not include an official traffic control sign,
 1898 official marker, or specific information panel erected, caused

1899 | to be erected, or approved by the department.

1900 | (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from
 1901 | which the message or informative contents are most visible to
 1902 | oncoming traffic on the main-traveled way.

1903 | (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,
 1904 | including trim and background, which contains the message or
 1905 | informative contents, including an automatic changeable face.

1906 | (22)~~(23)~~ "Sign facing" includes all sign faces and
 1907 | automatic changeable faces displayed at the same location and
 1908 | facing the same direction.

1909 | (23)~~(24)~~ "Sign structure" means all the interrelated parts
 1910 | and material, such as beams, poles, and stringers, which are
 1911 | constructed for the purpose of supporting or displaying a
 1912 | message or informative contents.

1913 | (24)~~(25)~~ "State Highway System" has the same meaning as
 1914 | provided in s. 334.03 ~~means the existing, unbuilt, or unopened~~
 1915 | ~~system of highways or portions thereof designated as the State~~
 1916 | ~~Highway System by the department.~~

1917 | ~~(26) "Unzoned commercial or industrial area" means a~~
 1918 | ~~parcel of land designated by the future land use map of the~~
 1919 | ~~comprehensive plan for multiple uses that include commercial or~~
 1920 | ~~industrial uses but are not specifically designated for~~
 1921 | ~~commercial or industrial uses under the land development~~
 1922 | ~~regulations, in which three or more separate and distinct~~
 1923 | ~~conforming industrial or commercial activities are located.~~

1924 | ~~(a) These activities must satisfy the following criteria:~~

1925 ~~1. At least one of the commercial or industrial activities~~
 1926 ~~must be located on the same side of the highway and within 800~~
 1927 ~~feet of the sign location;~~

1928 ~~2. The commercial or industrial activities must be within~~
 1929 ~~660 feet from the nearest edge of the right-of-way; and~~

1930 ~~3. The commercial industrial activities must be within~~
 1931 ~~1,600 feet of each other.~~

1932
 1933 ~~Distances specified in this paragraph must be measured from the~~
 1934 ~~nearest outer edge of the primary building or primary building~~
 1935 ~~complex when the individual units of the complex are connected~~
 1936 ~~by covered walkways.~~

1937 ~~(b) Certain activities, including, but not limited to, the~~
 1938 ~~following, may not be so recognized as commercial or industrial~~
 1939 ~~activities:~~

1940 ~~1. Signs.~~

1941 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
 1942 ~~related activities, including, but not limited to, wayside fresh~~
 1943 ~~produce stands.~~

1944 ~~3. Transient or temporary activities.~~

1945 ~~4. Activities not visible from the main traveled way.~~

1946 ~~5. Activities conducted more than 660 feet from the~~
 1947 ~~nearest edge of the right-of-way.~~

1948 ~~6. Activities conducted in a building principally used as~~
 1949 ~~a residence.~~

1950 ~~7. Railroad tracks and minor sidings.~~

1951 ~~8. Communication towers.~~
 1952 (25)-(27) "Urban area" has the same meaning as provided
 1953 ~~defined~~ in s. 334.03~~(31)~~.
 1954 (26)-(28) "Visible commercial or industrial activity" means
 1955 a commercial or industrial activity that is capable of being
 1956 seen without visual aid by a person of normal visual acuity from
 1957 the main-traveled way and that is generally recognizable as
 1958 commercial or industrial.
 1959 (27)-(29) "Visible sign" means that the advertising message
 1960 or informative contents of a sign, whether or not legible, can
 1961 ~~be is capable of being~~ seen without visual aid by a person of
 1962 normal visual acuity.
 1963 (28)-(30) "Wall mural" means a sign that is a painting or
 1964 an artistic work composed of photographs or arrangements of
 1965 color and that displays a commercial or noncommercial message,
 1966 relies solely on the side of the building for rigid structural
 1967 support, and is painted on the building or depicted on vinyl,
 1968 fabric, or other similarly flexible material that is held in
 1969 place flush or flat against the surface of the building. The
 1970 term excludes a painting or work placed on a structure that is
 1971 erected for the sole or primary purpose of signage.
 1972 (29)-(31) "Zoning category" means the designation under the
 1973 land development regulations or other similar ordinance enacted
 1974 to regulate the use of land as provided in s. 163.3202(2)(b),
 1975 which designation sets forth the allowable uses, restrictions,
 1976 and limitations on use applicable to properties within the

1977 category.

1978 Section 25. Section 479.02, Florida Statutes, is amended
1979 to read:

1980 479.02 Duties of the department. ~~It shall be the duty of~~
1981 The department shall ~~to~~:

1982 (1) Administer and enforce ~~the provisions of this chapter,~~
1983 ~~and the 1972 agreement between the state and the United States~~
1984 ~~Department of Transportation relating to the size, lighting, and~~
1985 ~~spacing of signs in accordance with Title I of the Highway~~
1986 ~~Beautification Act of 1965 and Title 23 of the,~~ United States
1987 Code, and federal regulations, including, but not limited to,
1988 those pertaining to the maintenance, continuance, and removal of
1989 nonconforming signs in effect as of the effective date of this
1990 act.

1991 (2) Regulate size, height, lighting, and spacing of signs
1992 permitted on commercial and industrial parcels and in unzoned
1993 commercial or industrial areas ~~in zoned and unzoned commercial~~
1994 ~~areas and zoned and unzoned industrial areas~~ on the interstate
1995 highway system and the federal-aid primary highway system.

1996 (3) Determine ~~unzoned~~ commercial and industrial parcels
1997 and unzoned commercial or ~~areas and unzoned industrial areas~~ in
1998 the manner provided in s. 479.024.

1999 (4) Implement a specific information panel program on the
2000 limited access interstate highway system to promote tourist-
2001 oriented businesses by providing directional information safely
2002 and aesthetically.

2003 (5) Implement a rest area information panel or devices
 2004 program at rest areas along the interstate highway system and
 2005 the federal-aid primary highway system to promote tourist-
 2006 oriented businesses.

2007 (6) Test and, if economically feasible, implement
 2008 alternative methods of providing information in the specific
 2009 interest of the traveling public which allow the traveling
 2010 public freedom of choice, conserve natural beauty, and present
 2011 information safely and aesthetically.

2012 (7) Adopt such rules as the department ~~it~~ deems necessary
 2013 or proper for the administration of this chapter, including
 2014 rules that ~~which~~ identify activities that may not be recognized
 2015 as industrial or commercial activities for purposes of
 2016 determination of a ~~an area as an unzoned~~ commercial or
 2017 industrial parcel or an unzoned commercial or industrial area in
 2018 the manner provided in s. 479.024.

2019 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
 2020 location of all signs on the state highway system, interstate
 2021 highway system, and federal-aid primary highway system to be
 2022 used as systems. ~~Upon completion of the inventory, it shall~~
 2023 ~~become~~ the database and permit information for all permitted
 2024 signs ~~permitted at the time of completion, and the previous~~
 2025 ~~records of the department shall be amended accordingly.~~ The
 2026 inventory shall be updated at least ~~no less than~~ every 2 years.
 2027 ~~The department shall adopt rules regarding what information is~~
 2028 ~~to be collected and preserved to implement the purposes of this~~

2029 ~~chapter.~~ The department may perform the inventory using
 2030 department staff, or may contract with a private firm to perform
 2031 the work, whichever is more cost efficient. The department shall
 2032 maintain a database of sign inventory information such as sign
 2033 location, size, height, and structure type, the permittee's
 2034 ~~permitholder's~~ name, and any other information the department
 2035 finds necessary to administer the program.

2036 Section 26. Section 479.024, Florida Statutes, is created
 2037 to read:

2038 479.024 Commercial and industrial parcels.—Signs shall be
 2039 permitted by the department only in commercial or industrial
 2040 zones, as determined by the local government, in compliance with
 2041 chapter 163, unless otherwise provided in this chapter.

2042 Commercial and industrial zones are those areas appropriate for
 2043 commerce, industry, or trade, regardless of how those areas are
 2044 labeled.

2045 (1) As used in this section, the term:

2046 (a) "Parcel" means the property where the sign is located
 2047 or is proposed to be located.

2048 (b) "Utilities" includes all privately, publicly, or
 2049 cooperatively owned lines, facilities, and systems for
 2050 producing, transmitting, or distributing communications, power,
 2051 electricity, light, heat, gas, oil, crude products, water,
 2052 steam, waste, and stormwater not connected with the highway
 2053 drainage, and other similar commodities.

2054 (2) The determination as to zoning by the local government

2055 for the parcel must meet all of the following criteria:

2056 (a) The parcel is comprehensively zoned and includes

2057 commercial or industrial uses as allowable uses.

2058 (b) The parcel can reasonably accommodate a commercial or

2059 industrial use under the future land use map of the

2060 comprehensive plan and land use development regulations, as

2061 follows:

2062 1. Sufficient utilities are available to support

2063 commercial or industrial development; and

2064 2. The size, configuration, and public access of the

2065 parcel are sufficient to accommodate a commercial or industrial

2066 use, given the requirements in the comprehensive plan and land

2067 development regulations for vehicular access, on-site

2068 circulation, building setbacks, buffering, parking, and other

2069 applicable standards, or the parcel consists of railroad tracks

2070 or minor sidings abutting commercial or industrial property that

2071 meets the criteria of this subsection.

2072 (c) The parcel is not being used exclusively for

2073 noncommercial or nonindustrial uses.

2074 (3) If a local government has not designated zoning

2075 through land development regulations in compliance with chapter

2076 163 but has designated the parcel under the future land use map

2077 of the comprehensive plan for uses that include commercial or

2078 industrial uses, the parcel shall be considered an unzoned

2079 commercial or industrial area. For a permit to be issued for a

2080 sign in an unzoned commercial or industrial area, there must be

2081 three or more distinct commercial or industrial activities
 2082 within 1,600 feet of each other, with at least one of the
 2083 commercial or industrial activities located on the same side of
 2084 the highway as, and within 800 feet of, the sign location.
 2085 Multiple commercial or industrial activities enclosed in one
 2086 building shall be considered one use if all activities have only
 2087 shared building entrances.

2088 (4) For purposes of this section, certain uses and
 2089 activities may not be independently recognized as commercial or
 2090 industrial, including, but not limited to:

2091 (a) Signs.

2092 (b) Agricultural, forestry, ranching, grazing, farming,
 2093 and related activities, including, but not limited to, wayside
 2094 fresh produce stands.

2095 (c) Transient or temporary activities.

2096 (d) Activities not visible from the main-traveled way,
 2097 unless a department transportation facility is the only cause
 2098 for the activity not being visible.

2099 (e) Activities conducted more than 660 feet from the
 2100 nearest edge of the right-of-way.

2101 (f) Activities conducted in a building principally used as
 2102 a residence.

2103 (g) Railroad tracks and minor sidings, unless the tracks
 2104 and sidings are abutted by a commercial or industrial property
 2105 that meets the criteria in subsection (2).

2106 (h) Communication towers.

2107 (i) Public parks, public recreation services, and
 2108 governmental uses and activities that take place in a structure
 2109 that serves as the permanent public meeting place for local,
 2110 state, or federal boards, commissions, or courts.

2111 (5) If the local government has indicated that the
 2112 proposed sign location is on a parcel that is in a commercial or
 2113 industrial zone but the department finds that it is not, the
 2114 department shall notify the sign applicant in writing of its
 2115 determination.

2116 (6) An applicant whose application for a permit is denied
 2117 may request, within 30 days after the receipt of the
 2118 notification of intent to deny, an administrative hearing
 2119 pursuant to chapter 120 for a determination of whether the
 2120 parcel is located in a commercial or industrial zone. Upon
 2121 receipt of such request, the department shall notify the local
 2122 government that the applicant has requested an administrative
 2123 hearing pursuant to chapter 120.

2124 (7) If the department determines in a final order that the
 2125 parcel does not meet the permitting conditions in this section
 2126 and a sign exists on the parcel, the applicant shall remove the
 2127 sign within 30 days after the date of the order. The applicant
 2128 is responsible for all sign removal costs.

2129 (8) If the Federal Highway Administration reduces funds
 2130 that would otherwise be apportioned to the department due to a
 2131 local government's failure to comply with this section, the
 2132 department shall reduce transportation funding apportioned to

2133 the local government by an equivalent amount.

2134 Section 27. Section 479.03, Florida Statutes, is amended
2135 to read:

2136 479.03 Jurisdiction of the Department of Transportation;
2137 entry upon privately owned lands.—The territory under the
2138 jurisdiction of the department for the purpose of this chapter
2139 includes ~~shall include~~ all the state. Employees, agents, or
2140 independent contractors working for the department, in the
2141 performance of their functions and duties under the provisions
2142 of this chapter, may enter into and upon any land upon which a
2143 sign is displayed, is proposed to be erected, or is being
2144 erected and make such inspections, surveys, and removals as may
2145 be relevant. Upon written notice to ~~After receiving consent by~~
2146 the landowner, operator, or person in charge of an intervening
2147 privately owned land that ~~or appropriate inspection warrant~~
2148 ~~issued by a judge of any county court or circuit court of this~~
2149 ~~state which has jurisdiction of the place or thing to be~~
2150 ~~removed, that~~ the removal of an illegal outdoor advertising sign
2151 is necessary and has been authorized by a final order or results
2152 from an uncontested notice to the sign owner, the department may
2153 ~~shall be authorized to~~ enter upon any intervening privately
2154 owned lands for the purposes of effectuating removal of illegal
2155 signs., ~~provided that~~ The department may enter intervening
2156 privately owned lands ~~shall only do so~~ in circumstances where it
2157 has determined that ~~no~~ other legal or economically feasible
2158 means of entry to the sign site are not reasonably available.

2159 Except as otherwise provided by this chapter, the department is
 2160 ~~shall be~~ responsible for the repair or replacement in a like
 2161 manner for any physical damage or destruction of private
 2162 property, other than the sign, incidental to the department's
 2163 entry upon such intervening privately owned lands.

2164 Section 28. Section 479.04, Florida Statutes, is amended
 2165 to read:

2166 479.04 Business of outdoor advertising; license
 2167 requirement; renewal; fees.—

2168 (1) A ~~No~~ person may not ~~shall~~ engage in the business of
 2169 outdoor advertising in this state without first obtaining a
 2170 license ~~therefor~~ from the department. Such license shall be
 2171 renewed annually. The fee for such license, and for each annual
 2172 renewal, is \$300. License renewal fees are ~~shall be~~ payable as
 2173 provided for in s. 479.07.

2174 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the
 2175 license provided for in this section solely to erect or
 2176 construct outdoor advertising signs or structures ~~as an~~
 2177 ~~incidental part of a building construction contract.~~

2178 Section 29. Section 479.05, Florida Statutes, is amended
 2179 to read:

2180 479.05 Denial, suspension, or revocation of license.—The
 2181 department may ~~has authority to~~ deny, suspend, or revoke a ~~any~~
 2182 license requested or granted under this chapter in any case in
 2183 which it determines that the application for the license
 2184 contains ~~knowingly~~ false or misleading information of material

2185 consequence, that the licensee has failed to pay fees or costs
 2186 owed to the department for outdoor advertising purposes, or that
 2187 the licensee has violated any of the provisions of this chapter,
 2188 unless such licensee, within 30 days after the receipt of notice
 2189 by the department, corrects such false or misleading
 2190 information, pays the outstanding amounts, or complies with ~~the~~
 2191 ~~provisions of~~ this chapter. Suspension of a license allows the
 2192 licensee to maintain existing sign permits, but the department
 2193 may not grant a transfer of an existing permit or issue an
 2194 additional permit to a licensee with a suspended license. A ~~Any~~
 2195 person aggrieved by an ~~any~~ action of the department which
 2196 denies, suspends, or revokes ~~in denying or revoking~~ a license
 2197 under this chapter may, within 30 days after ~~from~~ the receipt of
 2198 the notice, apply to the department for an administrative
 2199 hearing pursuant to chapter 120.

2200 Section 30. Section 479.07, Florida Statutes, is amended
 2201 to read:

2202 479.07 Sign permits.-

2203 (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a
 2204 person may not erect, operate, use, or maintain, or cause to be
 2205 erected, operated, used, or maintained, any sign on the State
 2206 Highway System outside an urban area, ~~as defined in s.~~
 2207 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
 2208 primary highway system without first obtaining a permit for the
 2209 sign from the department and paying the annual fee as provided
 2210 in this section. As used in this section, the term "on any

2211 portion of the State Highway System, interstate highway system,
 2212 or federal-aid primary system" means a sign located within the
 2213 controlled area which is visible from any portion of the main-
 2214 traveled way of such system.

2215 (2) ~~A person may not apply for a permit unless he or she~~
 2216 ~~has first obtained the~~ Written permission of the owner or other
 2217 person in lawful possession or control of the site designated as
 2218 the location of the sign is required for issuance of a ~~in the~~
 2219 ~~application for the permit.~~

2220 (3) (a) An application for a sign permit must be made on a
 2221 form prescribed by the department, and a separate application
 2222 must be submitted for each permit requested. A permit is
 2223 required for each sign facing.

2224 (b) As part of the application, the applicant or his or
 2225 her authorized representative must certify ~~in a notarized signed~~
 2226 ~~statement~~ that all information provided in the application is
 2227 true and correct ~~and that, pursuant to subsection (2), he or she~~
 2228 ~~has obtained the written permission of the owner or other person~~
 2229 ~~in lawful possession of the site designated as the location of~~
 2230 ~~the sign in the permit application.~~ Each ~~Every~~ permit
 2231 application must be accompanied by the appropriate permit fee; a
 2232 signed statement by the owner or other person in lawful control
 2233 of the site on which the sign is located or will be erected,
 2234 authorizing the placement of the sign on that site; ~~and, where~~
 2235 ~~local governmental regulation of signs exists,~~ a statement from
 2236 the appropriate local governmental official indicating that the

2237 sign complies with all local government ~~governmental~~
 2238 requirements; and, if a local government permit is required for
 2239 a sign, a statement that the agency or unit of local government
 2240 will issue a permit to that applicant upon approval of the state
 2241 permit application by the department.

2242 (c) The annual permit fee for each sign facing shall be
 2243 established by the department by rule in an amount sufficient to
 2244 offset the total cost to the department for the program, but may
 2245 shall not be greater than ~~exceed~~ \$100. The ~~A fee may not be~~
 2246 ~~prorated for a period less than the remainder of the permit year~~
 2247 ~~to accommodate short-term publicity features; however, a first-~~
 2248 ~~year fee may be prorated by payment of an amount equal to one-~~
 2249 ~~fourth of the annual fee for each remaining whole quarter or~~
 2250 ~~partial quarter of the permit year. Applications received after~~
 2251 ~~the end of the third quarter of the permit year must include~~
 2252 ~~fees for the last quarter of the current year and fees for the~~
 2253 ~~succeeding year.~~

2254 (4) An application for a permit shall be acted on by
 2255 granting, denying, or returning the incomplete application ~~the~~
 2256 ~~department~~ within 30 days after receipt of the application by
 2257 the department.

2258 (5) (a) For each permit issued, the department shall
 2259 furnish to the applicant a serially numbered permanent metal
 2260 permit tag. The permittee is responsible for maintaining a valid
 2261 permit tag on each permitted sign facing at all times. The tag
 2262 shall be securely attached to the upper 50 percent of the sign

2263 ~~structure and sign facing or, if there is no facing, on the pole~~
 2264 ~~nearest the highway; and it shall be attached in such a manner~~
 2265 ~~as to be plainly visible from the main-traveled way. Effective~~
 2266 ~~July 1, 2012, the tag must be securely attached to the upper 50~~
 2267 ~~percent of the pole nearest the highway and must be attached in~~
 2268 ~~such a manner as to be plainly visible from the main-traveled~~
 2269 ~~way. The permit becomes void unless the permit tag must be is~~
 2270 properly and permanently displayed at the permitted site within
 2271 30 days after the date of permit issuance. If the permittee
 2272 fails to erect a completed sign on the permitted site within 270
 2273 days after the date on which the permit was issued, the permit
 2274 will be void, and the department may not issue a new permit to
 2275 that permittee for the same location for 270 days after the date
 2276 on which the permit becomes ~~became~~ void.

2277 (b) If a permit tag is lost, stolen, or destroyed, the
 2278 permittee to whom the tag was issued must apply to the
 2279 department for a replacement tag. The department shall adopt a
 2280 rule establishing a service fee for replacement tags in an
 2281 amount that will recover the actual cost of providing the
 2282 replacement tag. Upon receipt of the application accompanied by
 2283 the service fee, the department shall issue a replacement permit
 2284 tag. ~~Alternatively, the permittee may provide its own~~
 2285 ~~replacement tag pursuant to department specifications that the~~
 2286 ~~department shall adopt by rule at the time it establishes the~~
 2287 ~~service fee for replacement tags.~~

2288 (6) A permit is valid only for the location specified in

2289 the permit. Valid permits may be transferred from one sign owner
 2290 to another upon written acknowledgment from the current
 2291 permittee and submittal of a transfer fee of \$5 for each permit
 2292 to be transferred. However, the maximum transfer fee for any
 2293 multiple transfer between two outdoor advertisers in a single
 2294 transaction is \$100.

2295 (7) A permittee shall at all times maintain the permission
 2296 of the owner or other person in lawful control of the sign site
 2297 in order to have and maintain a sign at such site.

2298 (8) (a) In order to reduce peak workloads, the department
 2299 may adopt rules providing for staggered expiration dates for
 2300 licenses and permits. Unless otherwise provided for by rule, all
 2301 licenses and permits expire annually on January 15. All license
 2302 and permit renewal fees are required to be submitted to the
 2303 department by no later than the expiration date. At least 105
 2304 days before ~~prior to~~ the expiration date of licenses and
 2305 permits, the department shall send to each permittee a notice of
 2306 fees due for all licenses and permits that ~~which~~ were issued to
 2307 him or her before ~~prior to~~ the date of the notice. Such notice
 2308 must ~~shall~~ list the permits and the permit fees due for each
 2309 sign facing. The permittee shall, no later than 45 days before
 2310 ~~prior to~~ the expiration date, advise the department of any
 2311 additions, deletions, or errors contained in the notice. Permit
 2312 tags that ~~which~~ are not renewed shall be returned to the
 2313 department for cancellation by the expiration date. Permits that
 2314 ~~which~~ are not renewed or are canceled shall be certified in

2315 writing at that time as canceled or not renewed by the
 2316 permittee, and permit tags for such permits shall be returned to
 2317 the department or shall be accounted for by the permittee in
 2318 writing, which writing shall be submitted with the renewal fee
 2319 payment or the cancellation certification. However, failure of a
 2320 permittee to submit a permit cancellation does ~~shall~~ not affect
 2321 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
 2322 permit, the permittee shall provide written notice to all
 2323 persons or entities having a right to advertise on the sign that
 2324 the permittee intends to cancel the permit.

2325 (b) If a permittee has not submitted his or her fee
 2326 payment by the expiration date of the licenses or permits, the
 2327 department shall send a notice of violation to the permittee
 2328 within 45 days after the expiration date, requiring the payment
 2329 of the permit fee within 30 days after the date of the notice
 2330 and payment of a delinquency fee equal to 10 percent of the
 2331 original amount due or, in the alternative to these payments,
 2332 requiring the filing of a request for an administrative hearing
 2333 to show cause why the ~~his or her~~ sign should not be subject to
 2334 immediate removal due to expiration of his or her license or
 2335 permit. If the permittee submits payment as required by the
 2336 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be
 2337 automatically reinstated and such reinstatement is ~~will be~~
 2338 retroactive to the original expiration date. If the permittee
 2339 does not respond to the notice of violation within the 30-day
 2340 period, the department shall, within 30 days, issue a final

2341 notice of sign removal and may, following 90 days after the date
 2342 of the department's final notice of sign removal, remove the
 2343 sign without incurring any liability as a result of such
 2344 removal. However, if at any time before removal of the sign, the
 2345 permittee demonstrates that a good faith error on the part of
 2346 the permittee resulted in cancellation or nonrenewal of the
 2347 permit, the department may reinstate the permit if:

2348 1. The permit reinstatement fee of up to \$300 based on the
 2349 size of the sign is paid;

2350 2. All other permit renewal and delinquent permit fees due
 2351 as of the reinstatement date are paid; and

2352 3. The permittee reimburses the department for all actual
 2353 costs resulting from the permit cancellation or nonrenewal.

2354 (c) Conflicting applications filed by other persons for
 2355 the same or competing sites covered by a permit subject to
 2356 paragraph (b) may not be approved until after the sign subject
 2357 to the expired permit has been removed.

2358 (d) The cost for removing a sign, ~~whether~~ by the
 2359 department or an independent contractor, shall be assessed by
 2360 the department against the permittee.

2361 (9) (a) A permit may ~~shall~~ not be granted for any sign for
 2362 which a permit had not been granted by the effective date of
 2363 this act unless such sign is located at least:

2364 1. One thousand five hundred feet from any other permitted
 2365 sign on the same side of the highway, if on an interstate
 2366 highway.

2367 2. One thousand feet from any other permitted sign on the
 2368 same side of the highway, if on a federal-aid primary highway.
 2369
 2370 The minimum spacing provided in this paragraph does not preclude
 2371 the permitting of V-type, back-to-back, side-to-side, stacked,
 2372 or double-faced signs at the permitted sign site. If a sign is
 2373 visible to more than one highway subject to the jurisdiction of
 2374 the department and within the controlled area of the highways
 2375 ~~from the controlled area of more than one highway subject to the~~
 2376 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the
 2377 permitting requirements of all highways, and, ~~if the sign meets~~
 2378 ~~the applicable permitting requirements~~, be permitted to, the
 2379 highway having the more stringent permitting requirements.
 2380 (b) A permit may ~~shall~~ not be granted for a sign pursuant
 2381 to this chapter to locate such sign on any portion of the
 2382 interstate or federal-aid primary highway system, which sign:
 2383 1. Exceeds 50 feet in sign structure height above the
 2384 crown of the main-traveled way to which the sign is permitted,
 2385 if outside an incorporated area;
 2386 2. Exceeds 65 feet in sign structure height above the
 2387 crown of the main-traveled way to which the sign is permitted,
 2388 if inside an incorporated area; or
 2389 3. Exceeds 950 square feet of sign facing including all
 2390 embellishments.
 2391 (c) Notwithstanding subparagraph (a)1., ~~there is~~
 2392 ~~established a pilot program in Orange, Hillsborough, and Osceola~~

2393 ~~Counties, and within the boundaries of the City of Miami, under~~
 2394 ~~which~~ the distance between permitted signs on the same side of
 2395 an interstate highway may be reduced to 1,000 feet if all other
 2396 requirements of this chapter are met and if:

2397 1. The local government has adopted a plan, program,
 2398 resolution, ordinance, or other policy encouraging the voluntary
 2399 removal of signs in a downtown, historic, redevelopment, infill,
 2400 or other designated area which also provides for a new or
 2401 replacement sign to be erected on an interstate highway within
 2402 that jurisdiction if a sign in the designated area is removed;

2403 2. The sign owner and the local government mutually agree
 2404 to the terms of the removal and replacement; and

2405 3. The local government notifies the department of its
 2406 intention to allow such removal and replacement as agreed upon
 2407 pursuant to subparagraph 2.

2408 ~~4. The new or replacement sign to be erected on an~~
 2409 ~~interstate highway within that jurisdiction is to be located on~~
 2410 ~~a parcel of land specifically designated for commercial or~~
 2411 ~~industrial use under both the future land use map of the~~
 2412 ~~comprehensive plan and the land use development regulations~~
 2413 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
 2414 ~~subject to an evaluation in accordance with the criteria set~~
 2415 ~~forth in s. 479.01(26) to determine if the parcel can be~~
 2416 ~~considered an unzoned commercial or industrial area.~~

2417
 2418 ~~The department shall maintain statistics tracking the use of the~~

2419 ~~provisions of this pilot program based on the notifications~~
 2420 ~~received by the department from local governments under this~~
 2421 ~~paragraph.~~

2422 (d) This subsection does not cause a sign that was
 2423 conforming on October 1, 1984, to become nonconforming.

2424 (10) Commercial or industrial zoning that ~~which~~ is not
 2425 comprehensively enacted or that ~~which~~ is enacted primarily to
 2426 permit signs may ~~shall~~ not be recognized as commercial or
 2427 industrial zoning for purposes of this provision, and permits
 2428 may ~~shall~~ not be issued for signs in such areas. The department
 2429 shall adopt rules that ~~within 180 days after this act takes~~
 2430 ~~effect which shall~~ provide criteria to determine whether such
 2431 zoning is comprehensively enacted or enacted primarily to permit
 2432 signs.

2433 Section 31. Section 479.08, Florida Statutes, is amended
 2434 to read:

2435 479.08 Denial or revocation of permit.—The department may
 2436 deny or revoke a ~~any~~ permit requested or granted under this
 2437 chapter in any case in which it determines that the application
 2438 for the permit contains ~~knowingly~~ false or misleading
 2439 information of material consequence. The department may revoke a
 2440 ~~any~~ permit granted under this chapter in any case in which the
 2441 permittee has violated ~~any of the provisions of~~ this chapter,
 2442 unless such permittee, within 30 days after the receipt of
 2443 notice by the department, complies with ~~the provisions of~~ this
 2444 chapter. For the purpose of this section, the notice of

2445 violation issued by the department must describe in detail the
 2446 alleged violation. A ~~Any~~ person aggrieved by any action of the
 2447 department in denying or revoking a permit under this chapter
 2448 may, within 30 days after receipt of the notice, apply to the
 2449 department for an administrative hearing pursuant to chapter
 2450 120. If a timely request for hearing has been filed and the
 2451 department issues a final order revoking a permit, such
 2452 revocation shall be effective 30 days after the date of
 2453 rendition. Except for department action pursuant to s.
 2454 479.107(1), the filing of a timely and proper notice of appeal
 2455 shall operate to stay the revocation until the department's
 2456 action is upheld.

2457 Section 32. Section 479.10, Florida Statutes, is amended
 2458 to read:

2459 479.10 Sign removal following permit revocation or
 2460 cancellation.—A sign shall be removed by the permittee within 30
 2461 days after the date of revocation or cancellation of the permit
 2462 for the sign. If the permittee fails to remove the sign within
 2463 the 30-day period, the department shall remove the sign at the
 2464 permittee's expense with or without further notice and without
 2465 incurring any liability as a result of such removal.

2466 Section 33. Section 479.105, Florida Statutes, is amended
 2467 to read:

2468 479.105 Signs erected or maintained without required
 2469 permit; removal.—

2470 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the

2471 right-of-way of any highway on the State Highway System outside
 2472 an incorporated area or adjacent to the right-of-way on any
 2473 portion of the interstate or federal-aid primary highway system,
 2474 which sign was erected, operated, or maintained without the
 2475 permit required by s. 479.07(1) having been issued by the
 2476 department, is declared to be a public nuisance and a private
 2477 nuisance and shall be removed as provided in this section.

2478 (a) Upon a determination by the department that a sign is
 2479 in violation of s. 479.07(1), the department shall prominently
 2480 post on the sign, or as close to the sign as possible for a
 2481 location in which the sign is not easily accessible, ~~face~~ a
 2482 notice stating that the sign is illegal and must be removed
 2483 within 30 days after the date on which the notice was posted.
 2484 ~~However, if the sign bears the name of the licensee or the name~~
 2485 ~~and address of the nonlicensed sign owner,~~ The department shall,
 2486 concurrently with and in addition to posting the notice on the
 2487 sign, provide a written notice to the owner of the sign, the
 2488 advertiser displayed on the sign, or the owner of the property,
 2489 stating that the sign is illegal and must be permanently removed
 2490 within the 30-day period specified on the posted notice. The
 2491 written notice shall further state that ~~the sign owner has a~~
 2492 ~~right to request~~ a hearing may be requested and that the, ~~which~~
 2493 request must be filed with the department within 30 days after
 2494 receipt ~~the date~~ of the written notice. However, the filing of a
 2495 request for a hearing will not stay the removal of the sign.

2496 (b) If, pursuant to the notice provided, the sign is not

2497 removed by the ~~sign~~ owner of the sign, the advertiser displayed
 2498 on the sign, or the owner of the property within the prescribed
 2499 period, the department shall immediately remove the sign without
 2500 further notice; and, for that purpose, the employees, agents, or
 2501 independent contractors of the department may enter upon private
 2502 property without incurring any liability for so entering.

2503 (c) However, the department may issue a permit for a sign,
 2504 as a conforming or nonconforming sign, if the sign owner
 2505 demonstrates to the department one of the following:

2506 1. If the sign meets the current requirements of this
 2507 chapter for a sign permit, the sign owner may submit the
 2508 required application package and receive a permit as a
 2509 conforming sign upon payment of all applicable fees.

2510 2. If the sign does not meet the current requirements of
 2511 this chapter for a sign permit and has never been exempt from
 2512 the requirement that a permit be obtained, the sign owner may
 2513 receive a permit as a nonconforming sign if the department
 2514 determines that the sign is not located on state right-of-way
 2515 and is not a safety hazard and if the sign owner pays a penalty
 2516 fee of \$300 and all pertinent fees required by this chapter,
 2517 including annual permit renewal fees payable since the date of
 2518 the erection of the sign, and attaches to the permit application
 2519 package documentation that demonstrates that:

2520 a. The sign has been unpermitted, structurally unchanged,
 2521 and continuously maintained at the same location for 7 years or
 2522 more;

2523 b. During the initial 7 years in which the sign has been
 2524 subject to the jurisdiction of the department, the sign would
 2525 have met the criteria established in this chapter which were in
 2526 effect at that time for issuance of a permit; and

2527 c. The department has not initiated a notice of violation
 2528 or taken other action to remove the sign during the initial 7-
 2529 year period in which the sign has been subject to the
 2530 jurisdiction of the department.

2531 (d) This subsection does not cause a neighboring sign that
 2532 is permitted and that is within the spacing requirements under
 2533 s. 479.07(9) (a) to become nonconforming.

2534 (e)-(e) For purposes of this subsection, a notice to the
 2535 sign owner, when required, constitutes sufficient notice. ~~and~~
 2536 Notice is not required to be provided to the lessee, advertiser,
 2537 or the owner of the real property on which the sign is located.

2538 (f)-(d) If, after a hearing, it is determined that a sign
 2539 has been wrongfully or erroneously removed pursuant to this
 2540 subsection, the department, at the sign owner's discretion,
 2541 shall either pay just compensation to the owner of the sign or
 2542 reerect the sign in kind at the expense of the department.

2543 ~~(e) However, if the sign owner demonstrates to the~~
 2544 ~~department that:~~

2545 ~~1. The sign has been unpermitted, structurally unchanged,~~
 2546 ~~and continuously maintained at the same location for a period of~~
 2547 ~~7 years or more;~~

2548 ~~2. At any time during the period in which the sign has~~

2549 ~~been erected, the sign would have met the criteria established~~
 2550 ~~in this chapter for issuance of a permit;~~

2551 ~~3. The department has not initiated a notice of violation~~
 2552 ~~or taken other action to remove the sign during the initial 7-~~
 2553 ~~year period described in subparagraph 1.; and~~

2554 ~~4. The department determines that the sign is not located~~
 2555 ~~on state right-of-way and is not a safety hazard,~~

2556
 2557 ~~the sign may be considered a conforming or nonconforming sign~~
 2558 ~~and may be issued a permit by the department upon application in~~
 2559 ~~accordance with this chapter and payment of a penalty fee of~~
 2560 ~~\$300 and all pertinent fees required by this chapter, including~~
 2561 ~~annual permit renewal fees payable since the date of the~~
 2562 ~~erection of the sign.~~

2563 (2) (a) If a sign is under construction and the department
 2564 determines that a permit has not been issued for the sign as
 2565 required under ~~the provisions of~~ this chapter, the department
 2566 may ~~is authorized to~~ require that all work on the sign cease
 2567 until the sign owner shows that the sign does not violate ~~the~~
 2568 ~~provisions of~~ this chapter. The order to cease work shall be
 2569 prominently posted on the sign structure, and ~~no~~ further notice
 2570 is not required ~~to be given~~. The failure of a sign owner or her
 2571 or his agents to immediately comply with the order subjects
 2572 ~~shall subject~~ the sign to prompt removal by the department.

2573 (b) For the purposes of this subsection only, a sign is
 2574 under construction when it is in any phase of initial

2575 construction before ~~prior to~~ the attachment and display of the
 2576 advertising message in final position for viewing by the
 2577 traveling public. A sign that is undergoing routine maintenance
 2578 or change of the advertising message only is not considered to
 2579 be under construction for the purposes of this subsection.

2580 (3) The cost of removing a sign, ~~whether~~ by the department
 2581 or an independent contractor, shall be assessed against the
 2582 owner of the sign by the department.

2583 Section 34. Subsections (5) and (7) of section 479.106,
 2584 Florida Statutes, are amended to read:

2585 479.106 Vegetation management.—

2586 (5) The department may only grant a permit pursuant to s.
 2587 479.07 for a new sign that ~~which~~ requires the removal, cutting,
 2588 or trimming of existing trees or vegetation on public right-of-
 2589 way for the sign face to be visible from the highway to which
 2590 the sign will be permitted when the sign owner has removed at
 2591 least two nonconforming signs of approximate comparable size and
 2592 surrendered the permits for the nonconforming signs to the
 2593 department for cancellation. For signs originally permitted
 2594 after July 1, 1996, the first application, or application for a
 2595 change of view zone, no permit for the removal, cutting, or
 2596 trimming of trees or vegetation along the highway to which the
 2597 sign is permitted shall require the removal of two nonconforming
 2598 signs, in addition to mitigation or contribution to a plan of
 2599 mitigation. The department may not grant a permit for the
 2600 removal, cutting, or trimming of trees for a sign permitted

2601 after July 1, 1996, if the ~~shall be granted where such trees are~~
 2602 or the vegetation is ~~are~~ part of a beautification project
 2603 implemented before ~~prior to~~ the date of the original sign permit
 2604 application and if, ~~when~~ the beautification project is
 2605 specifically identified in the department's construction plans,
 2606 permitted landscape projects, or agreements.

2607 (7) Any person engaging in removal, cutting, or trimming
 2608 of trees or vegetation in violation of this section or
 2609 benefiting from such actions shall be subject to an
 2610 administrative penalty of up to \$1,000 per sign facing and
 2611 required to mitigate for the unauthorized removal, cutting, or
 2612 trimming in such manner and in such amount as may be required
 2613 under the rules of the department.

2614 Section 35. Subsection (5) of section 479.107, Florida
 2615 Statutes, is amended to read:

2616 479.107 Signs on highway rights-of-way; removal.—

2617 (5) The cost of removing a sign, ~~whether~~ by the department
 2618 or an independent contractor, ~~shall~~ be assessed by the
 2619 department against the owner of the sign. ~~Furthermore, the~~
 2620 ~~department shall assess a fine of \$75 against the sign owner for~~
 2621 ~~any sign which violates the requirements of this section.~~

2622 Section 36. Section 479.111, Florida Statutes, is amended
 2623 to read:

2624 479.111 Specified signs allowed within controlled portions
 2625 of the interstate and federal-aid primary highway system.—Only
 2626 the following signs shall be allowed within controlled portions

2627 of the interstate highway system and the federal-aid primary
 2628 highway system as set forth in s. 479.11(1) and (2):

2629 (1) Directional or other official signs and notices that
 2630 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

2631 (2) Signs in commercial-zoned and industrial-zoned areas
 2632 or commercial-unzoned and industrial-unzoned areas and within
 2633 660 feet of the nearest edge of the right-of-way, subject to the
 2634 requirements set forth in the 1972 agreement between the state
 2635 and the United States Department of Transportation.

2636 (3) Signs for which permits are not required under s.
 2637 479.16.

2638 Section 37. Section 479.15, Florida Statutes, is amended
 2639 to read:

2640 479.15 Harmony of regulations.—

2641 (1) A ~~No~~ zoning board or commission or other public
 2642 officer or agency may not ~~shall~~ issue a permit to erect a ~~any~~
 2643 sign that ~~which~~ is prohibited under ~~the provisions of this~~
 2644 chapter or the rules of the department, and ~~nor shall~~ the
 2645 department may not issue a permit for a ~~any~~ sign that ~~which~~ is
 2646 prohibited by any other public board, officer, or agency in the
 2647 lawful exercise of its powers.

2648 (2) A municipality, county, local zoning authority, or
 2649 other local governmental entity may not remove, or cause to be
 2650 removed, a ~~any~~ lawfully erected sign along any portion of the
 2651 interstate or federal-aid primary highway system without first
 2652 paying just compensation for such removal. A local governmental

2653 entity may not cause in any way the alteration of a ~~any~~ lawfully
 2654 erected sign located along any portion of the interstate or
 2655 federal-aid primary highway system without payment of just
 2656 compensation if such alteration constitutes a taking under state
 2657 law. The municipality, county, local zoning authority, or other
 2658 local governmental ~~government~~ entity that adopts requirements
 2659 for such alteration shall pay just compensation to the sign
 2660 owner if such alteration constitutes a taking under state law.
 2661 This subsection applies only to a lawfully erected sign the
 2662 subject matter of which relates to premises other than the
 2663 premises on which it is located or to merchandise, services,
 2664 activities, or entertainment not sold, produced, manufactured,
 2665 or furnished on the premises on which the sign is located. ~~As~~
 2666 ~~used in this subsection, the term "federal-aid primary highway~~
 2667 ~~system" means the federal-aid primary highway system in~~
 2668 ~~existence on June 1, 1991, and any highway that was not a part~~
 2669 ~~of such system as of that date but that is or becomes after June~~
 2670 ~~1, 1991, a part of the National Highway System. This subsection~~
 2671 may ~~shall~~ not be interpreted as explicit or implicit legislative
 2672 recognition that alterations do or do not constitute a taking
 2673 under state law.

2674 (3) It is the express intent of the Legislature to limit
 2675 the state right-of-way acquisition costs on state and federal
 2676 roads in eminent domain proceedings, ~~the provisions of ss.~~
 2677 479.07 and 479.155 notwithstanding. Subject to approval by the
 2678 Federal Highway Administration, if ~~whenever~~ public acquisition

2679 of land upon which is situated a lawfully permitted ~~lawful~~
 2680 ~~nonconforming~~ sign occurs, as provided in this chapter, the sign
 2681 may, at the election of its owner and the department, be
 2682 relocated or reconstructed adjacent to the new right-of-way and
 2683 in close proximity to the current site if along the roadway
 2684 ~~within 100 feet of the current location, provided the~~
 2685 ~~nonconforming~~ sign is not relocated in an area inconsistent with
 2686 s. 479.024. on a parcel zoned residential, and provided further
 2687 ~~that~~ Such relocation ~~is shall be~~ subject to the applicable
 2688 ~~setback~~ requirements in the 1972 agreement between the state and
 2689 the United States Department of Transportation. The sign owner
 2690 shall pay all costs associated with relocating or reconstructing
 2691 a any sign under this subsection, and ~~neither~~ the state or nor
 2692 any local government may not shall reimburse the sign owner for
 2693 such costs, unless part of such relocation costs is are required
 2694 by federal law. If ~~no~~ adjacent property is not available for the
 2695 relocation, the department ~~is shall be~~ responsible for paying
 2696 the owner of the sign just compensation for its removal.

2697 (4) For a nonconforming sign, ~~Such relocation shall be~~
 2698 ~~adjacent to the current site and~~ the face of the sign may shall
 2699 not be increased in size or height or structurally modified at
 2700 the point of relocation in a manner inconsistent with the
 2701 current building codes of the jurisdiction in which the sign is
 2702 located.

2703 (5) If In the event that relocation can be accomplished
 2704 but is inconsistent with the ordinances of the municipality or

2705 county within whose jurisdiction the sign is located, the
 2706 ordinances of the local government shall prevail if, provided
 2707 ~~that~~ the local government assumes ~~shall assume~~ the
 2708 responsibility to provide the owner of the sign just
 2709 compensation for its removal, ~~but in no event shall~~
 2710 Compensation paid by the local government may not be greater
 2711 than ~~exceed~~ the compensation required under state or federal
 2712 law. ~~Further, the provisions of~~ This section does ~~shall~~ not
 2713 impair any agreement or future agreements between a municipality
 2714 or county and the owner of a sign or signs within the
 2715 jurisdiction of the municipality or county. ~~Nothing in this~~
 2716 ~~section shall be deemed to cause a nonconforming sign to become~~
 2717 ~~conforming solely as a result of the relocation allowed in this~~
 2718 ~~section.~~

2719 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~
 2720 ~~this section shall~~ not apply within the jurisdiction of a ~~any~~
 2721 municipality that ~~which~~ is engaged in any litigation concerning
 2722 its sign ordinance on April 23, 1999, and the subsections do not
 2723 ~~nor shall such provisions~~ apply to a ~~any~~ municipality whose
 2724 boundaries are identical to the county within which the ~~said~~
 2725 municipality is located.

2726 (7) This section does not cause a neighboring sign that is
 2727 already permitted and that is within the spacing requirements
 2728 established in s. 479.07(9)(a) to become nonconforming.

2729 Section 38. Section 479.156, Florida Statutes, is amended
 2730 to read:

2731 479.156 Wall murals.—Notwithstanding any other provision
 2732 of this chapter, a municipality or county may permit and
 2733 regulate wall murals within areas designated by such government.
 2734 If a municipality or county permits wall murals, a wall mural
 2735 that displays a commercial message and is within 660 feet of the
 2736 nearest edge of the right-of-way within an area adjacent to the
 2737 interstate highway system or the federal-aid primary highway
 2738 system shall be located only in an area that is zoned for
 2739 industrial or commercial use pursuant to s. 479.024. ~~and~~ The
 2740 municipality or county shall establish and enforce regulations
 2741 for such areas which ~~that~~, at a minimum, set forth criteria
 2742 governing the size, lighting, and spacing of wall murals
 2743 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~
 2744 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a
 2745 municipality or county exercises such control and makes a
 2746 determination of customary use pursuant to 23 U.S.C. s. 131(d),
 2747 such determination shall be accepted in lieu of controls in the
 2748 agreement between the state and the United States Department of
 2749 Transportation, and the department shall notify the Federal
 2750 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 2751 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 2752 subject to municipal or county regulation and 23 U.S.C. s. 131
 2753 ~~the Highway Beautification Act of 1965~~ must be approved by the
 2754 Department of Transportation and the Federal Highway
 2755 Administration when required by federal law and federal
 2756 regulation under the agreement between the state and the United

2757 States Department of Transportation and federal regulations
 2758 enforced by the Department of Transportation under s. 479.02(1).
 2759 The existence of a wall mural as defined in s. 479.01~~(30)~~ may
 2760 ~~shall~~ not be considered in determining whether a sign as defined
 2761 in s. 479.01~~(20)~~, ~~either~~ existing or new, is in compliance with
 2762 s. 479.07(9) (a).

2763 Section 39. Section 479.16, Florida Statutes, is amended
 2764 to read:

2765 479.16 Signs for which permits are not required.—The
 2766 following signs are exempt from the requirement that a permit
 2767 for a sign be obtained under ~~the provisions of~~ this chapter but
 2768 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),
 2769 and subsections (15)-(19) may not be implemented or continued if
 2770 the Federal Government notifies the department that
 2771 implementation or continuation will adversely affect the
 2772 allocation of federal funds to the department:

2773 (1) Signs erected on the premises of an establishment,
 2774 which ~~signs~~ consist primarily of the name of the establishment
 2775 or ~~which~~ identify the principal or accessory merchandise,
 2776 services, activities, or entertainment sold, produced,
 2777 manufactured, or furnished on the premises of the establishment
 2778 and which comply with the lighting restrictions imposed under
 2779 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
 2780 by a municipality or a county located on the premises of such
 2781 municipality or ~~such~~ county which display information regarding
 2782 governmental ~~government~~ services, activities, events, or

2783 entertainment. For purposes of this section, the following types
 2784 of messages are ~~shall~~ not be considered information regarding
 2785 governmental ~~government~~ services, activities, events, or
 2786 entertainment:

2787 (a) Messages that ~~which~~ specifically reference any
 2788 commercial enterprise.

2789 (b) Messages that ~~which~~ reference a commercial sponsor of
 2790 any event.

2791 (c) Personal messages.

2792 (d) Political campaign messages.

2793

2794 If a sign located on the premises of an establishment consists
 2795 principally of brand name or trade name advertising and the
 2796 merchandise or service is only incidental to the principal
 2797 activity, or if the owner of the establishment receives rental
 2798 income from the sign, ~~then~~ the sign is not exempt under this
 2799 subsection.

2800 (2) Signs erected, used, or maintained on a farm by the
 2801 owner or lessee of such farm and relating solely to farm
 2802 produce, merchandise, service, or entertainment sold, produced,
 2803 manufactured, or furnished on such farm.

2804 (3) Signs posted or displayed on real property by the
 2805 owner or by the authority of the owner, stating that the real
 2806 property is for sale or rent. However, if the sign contains any
 2807 message not pertaining to the sale or rental of the ~~that~~ real
 2808 property, ~~then~~ it is not exempt under this section.

2809 (4) Official notices or advertisements posted or displayed
 2810 on private property by or under the direction of any public or
 2811 court officer in the performance of her or his official or
 2812 directed duties, or by trustees under deeds of trust or deeds of
 2813 assignment or other similar instruments.

2814 (5) Danger or precautionary signs relating to the premises
 2815 on which they are located; forest fire warning signs erected
 2816 under the authority of the Florida Forest Service of the
 2817 Department of Agriculture and Consumer Services; and signs,
 2818 notices, or symbols erected by the United States Government
 2819 under the direction of the United States Forest Forestry
 2820 Service.

2821 (6) Notices of any railroad, bridge, ferry, or other
 2822 transportation or transmission company necessary for the
 2823 direction or safety of the public.

2824 (7) Signs, notices, or symbols for the information of
 2825 aviators as to location, directions, and landings and conditions
 2826 affecting safety in aviation erected or authorized by the
 2827 department.

2828 (8) Signs or notices measuring up to 8 square feet in area
 2829 which are erected or maintained upon property and which state
 2830 ~~stating~~ only the name of the owner, lessee, or occupant of the
 2831 premises ~~and not exceeding 8 square feet in area.~~

2832 (9) Historical markers erected by ~~duly constituted and~~
 2833 authorized public authorities.

2834 (10) Official traffic control signs and markers erected,

2835 caused to be erected, or approved by the department.

2836 (11) Signs erected upon property warning the public
2837 against hunting and fishing or trespassing ~~thereon~~.

2838 (12) Signs ~~not in excess~~ of up to 8 square feet which ~~that~~
2839 are owned by and relate to the facilities and activities of
2840 churches, civic organizations, fraternal organizations,
2841 charitable organizations, or units or agencies of government.

2842 (13) ~~Except that~~ Signs placed on benches, transit
2843 shelters, modular news racks, street light poles, public pay
2844 telephones, and waste receptacles, within the right-of-way, as
2845 provided for in s. 337.408 are exempt from ~~all provisions of~~
2846 this chapter.

2847 (14) Signs relating exclusively to political campaigns.

2848 (15) Signs measuring up to ~~not in excess of~~ 16 square feet
2849 placed at a road junction with the State Highway System denoting
2850 only the distance or direction of a residence or farm operation,
2851 or, outside an incorporated ~~in a rural~~ area where a hardship is
2852 created because a small business is not visible from the road
2853 junction with the State Highway System, one sign measuring up to
2854 ~~not in excess of~~ 16 square feet, denoting only the name of the
2855 business and the distance and direction to the business. ~~The~~
2856 ~~small business sign provision of this subsection does not apply~~
2857 ~~to charter counties and may not be implemented if the Federal~~
2858 ~~Government notifies the department that implementation will~~
2859 ~~adversely affect the allocation of federal funds to the~~
2860 ~~department.~~

2861 (16) Signs placed by a local tourist-oriented business
 2862 located within a rural area of critical economic concern as
 2863 defined in s. 288.0656(2) which are:

2864 (a) Not more than 8 square feet in size or more than 4
 2865 feet in height;

2866 (b) Located only in rural areas on a facility that does
 2867 not meet the definition of a limited access facility, as defined
 2868 in s. 334.03;

2869 (c) Located within 2 miles of the business location and at
 2870 least 500 feet apart;

2871 (d) Located only in two directions leading to the
 2872 business; and

2873 (e) Not located within the road right-of-way.

2874
 2875 A business placing such signs must be at least 4 miles from any
 2876 other business using this exemption and may not participate in
 2877 any other directional signage program by the department.

2878 (17) Signs measuring up to 32 square feet denoting only
 2879 the distance or direction of a farm operation which are erected
 2880 at a road junction with the State Highway System, but only
 2881 during the harvest season of the farm operation for up to 4
 2882 months.

2883 (18) Acknowledgment signs erected upon publicly funded
 2884 school premises which relate to a specific public school club,
 2885 team, or event and which are placed at least 1,000 feet from any
 2886 other acknowledgment sign on the same side of the roadway. The

2887 sponsor information on an acknowledgment sign may constitute no
 2888 more than 100 square feet of the sign. As used in this
 2889 subsection, the term "acknowledgment sign" means a sign that is
 2890 intended to inform the traveling public that a public school
 2891 club, team, or event has been sponsored by a person, firm, or
 2892 other entity.

2893 (19) Displays erected upon a sports facility, the content
 2894 of which is directly related to the facility's activities or to
 2895 the facility's products or services. Displays must be mounted
 2896 flush to the surface of the sports facility and must rely upon
 2897 the building facade for structural support. As used in this
 2898 subsection, the term "sports facility" means an athletic
 2899 complex, athletic arena, or athletic stadium, including
 2900 physically connected parking facilities, which is open to the
 2901 public and has a seating capacity of 15,000 or more permanently
 2902 installed seats.

2903
 2904 If the exemptions in subsections (15)-(19) are not implemented
 2905 or continued due to notification from the Federal Government
 2906 that the allocation of federal funds to the department will be
 2907 adversely impacted, the department shall provide notice to the
 2908 sign owner that the sign must be removed within 30 days after
 2909 receipt of the notice. If the sign is not removed within 30 days
 2910 after receipt of the notice by the sign owner, the department
 2911 may remove the sign, and the costs incurred in connection with
 2912 the sign removal shall be assessed against and collected from

2913 | the sign owner.

2914 | Section 40. Section 479.24, Florida Statutes, is amended
2915 | to read:

2916 | 479.24 Compensation for ~~removal~~ of signs; eminent domain;
2917 | exceptions.—

2918 | (1) Just compensation shall be paid by the department upon
2919 | the department's acquisition ~~removal~~ of a lawful conforming or
2920 | nonconforming sign along any portion of the interstate or
2921 | federal-aid primary highway system. This section does not apply
2922 | to a sign that ~~which~~ is illegal at the time of its removal. A
2923 | sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~
2924 | illegal at such time as it fails to be permitted or maintained
2925 | in accordance with all applicable laws, rules, ordinances, or
2926 | regulations other than the provision that ~~which~~ makes it
2927 | nonconforming. A legal nonconforming sign under state law or
2928 | rule does ~~will~~ not lose its nonconforming status solely because
2929 | it additionally becomes nonconforming under an ordinance or
2930 | regulation of a local governmental entity passed at a later
2931 | date. The department shall make every reasonable effort to
2932 | negotiate the purchase of the signs to avoid litigation and
2933 | congestion in the courts.

2934 | (2) The department is not required to remove any sign
2935 | under this section if the federal share of the just compensation
2936 | to be paid upon removal of the sign is not available to make
2937 | such payment, unless an appropriation by the Legislature for
2938 | such purpose is made to the department.

2939 (3) (a) The department may ~~is authorized to~~ use the power
 2940 of eminent domain when necessary to carry out ~~the provisions of~~
 2941 this chapter.

2942 (b) If eminent domain procedures are instituted, just
 2943 compensation shall be made pursuant to the state's eminent
 2944 domain procedures, chapters 73 and 74.

2945 Section 41. Section 479.25, Florida Statutes, is amended
 2946 to read:

2947 479.25 Erection of noise-attenuation barrier blocking view
 2948 of sign; procedures; application.—

2949 (1) The owner of a lawfully erected sign that is governed
 2950 by and conforms to state and federal requirements for land use,
 2951 size, height, and spacing may increase the height above ground
 2952 level of such sign at its permitted location if a noise-
 2953 attenuation barrier is permitted by or erected by any
 2954 governmental entity in such a way as to screen or block
 2955 visibility of the sign. Any increase in height permitted under
 2956 this section may only be the increase in height which is
 2957 required to achieve the same degree of visibility from the
 2958 right-of-way which the sign had before ~~prior to~~ the construction
 2959 of the noise-attenuation barrier, notwithstanding the
 2960 restrictions contained in s. 479.07(9)(b). A sign reconstructed
 2961 under this section must ~~shall~~ comply with the building standards
 2962 and wind load requirements provided ~~set forth~~ in the Florida
 2963 Building Code. If construction of a proposed noise-attenuation
 2964 barrier will screen a sign lawfully permitted under this

2965 chapter, the department shall provide notice to the local
 2966 government or local jurisdiction within which the sign is
 2967 located before construction ~~prior to erection of the noise-~~
 2968 ~~attenuation barrier.~~ Upon a determination that an increase in
 2969 the height of a sign as permitted under this section will
 2970 violate ~~a provision contained in an ordinance or a~~ a land
 2971 development regulation of the local government or local
 2972 jurisdiction, the local government or local jurisdiction shall,
 2973 before construction ~~so notify the department.~~ When notice has
 2974 ~~been received from the local government or local jurisdiction~~
 2975 ~~prior to erection of the noise attenuation barrier,~~ the
 2976 department shall:

2977 (a) Provide a variance or waiver to the local ordinance or
 2978 land development regulations to ~~Conduct a written survey of all~~
 2979 ~~property owners identified as impacted by highway noise and who~~
 2980 ~~may benefit from the proposed noise attenuation barrier. The~~
 2981 ~~written survey shall inform the property owners of the location,~~
 2982 ~~date, and time of the public hearing described in paragraph (b)~~
 2983 ~~and shall specifically advise the impacted property owners that:~~

- 2984 ~~1. Erection of the noise attenuation barrier may block the~~
 2985 ~~visibility of an existing outdoor advertising sign;~~
- 2986 ~~2. The local government or local jurisdiction may restrict~~
 2987 ~~or prohibit increasing the height of the existing outdoor~~
 2988 ~~advertising sign to make it visible over the barrier; and~~
- 2989 ~~3. If a majority of the impacted property owners vote for~~
 2990 ~~construction of the noise attenuation barrier, the local~~

2991 ~~government or local jurisdiction will be required to:~~
 2992 ~~a.~~ allow an increase in the height of the sign ~~in~~
 2993 ~~violation of a local ordinance or land development regulation;~~
 2994 (b)~~b.~~ Allow the sign to be relocated or reconstructed at
 2995 another location if the sign owner agrees; or
 2996 (c)~~e.~~ Pay the fair market value of the sign and its
 2997 associated interest in the real property.
 2998 (2)~~(b)~~ The department shall hold a public hearing within
 2999 the boundaries of the affected local governments or local
 3000 jurisdictions to receive input on the proposed noise-attenuation
 3001 barrier and its conflict with the local ordinance or land
 3002 development regulation and to suggest or consider alternatives
 3003 or modifications ~~to the proposed noise-attenuation barrier~~ to
 3004 alleviate or minimize the conflict with the local ordinance or
 3005 land development regulation or minimize any costs that may be
 3006 associated with relocating, reconstructing, or paying for the
 3007 affected sign. The public hearing may be held concurrently with
 3008 other public hearings scheduled for the project. The department
 3009 shall provide a written notification to the local government or
 3010 local jurisdiction of the date and time of the public hearing
 3011 and shall provide general notice of the public hearing in
 3012 accordance with the notice provisions of s. 335.02(1). The
 3013 notice may ~~shall~~ not be placed in that portion of a newspaper in
 3014 which legal notices or classified advertisements appear. The
 3015 notice must ~~shall~~ specifically state that:
 3016 (a)~~1.~~ Erection of the proposed noise-attenuation barrier

3017 may block the visibility of an existing outdoor advertising
 3018 sign;

3019 (b)2. The local government or local jurisdiction may
 3020 restrict or prohibit increasing the height of the existing
 3021 outdoor advertising sign ~~to make it visible over the barrier;~~
 3022 and

3023 (c)3. Upon ~~If a majority of the impacted property owners~~
 3024 ~~vote for~~ construction of the noise-attenuation barrier, the
 3025 local government or local jurisdiction shall ~~will be required~~
 3026 ~~to~~:

3027 1.a. Allow an increase in the height of the sign through a
 3028 waiver or variance to ~~in violation of~~ a local ordinance or land
 3029 development regulation;

3030 2.b. Allow the sign to be relocated or reconstructed at
 3031 another location if the sign owner agrees; or

3032 3.c. Pay the fair market value of the sign and its
 3033 associated interest in the real property.

3034 (3)-(2) The department may ~~shall~~ not permit erection of the
 3035 noise-attenuation barrier to the extent the barrier screens or
 3036 blocks visibility of the sign until after the public hearing is
 3037 held and ~~until such time as the survey has been conducted and a~~
 3038 ~~majority of the impacted property owners have indicated approval~~
 3039 ~~to erect the noise-attenuation barrier. When the impacted~~
 3040 ~~property owners approve of the noise-attenuation barrier~~
 3041 ~~construction, the department shall notify the local governments~~
 3042 ~~or local jurisdictions. The local government or local~~

3043 ~~jurisdiction shall, notwithstanding the provisions of a~~
 3044 ~~conflicting ordinance or land development regulation:~~
 3045 ~~(a) Issue a permit by variance or otherwise for the~~
 3046 ~~reconstruction of a sign under this section;~~
 3047 ~~(b) Allow the relocation of a sign, or construction of~~
 3048 ~~another sign, at an alternative location that is permissible~~
 3049 ~~under the provisions of this chapter, if the sign owner agrees~~
 3050 ~~to relocate the sign or construct another sign; or~~
 3051 ~~(c) Refuse to issue the required permits for~~
 3052 ~~reconstruction of a sign under this section and pay fair market~~
 3053 ~~value of the sign and its associated interest in the real~~
 3054 ~~property to the owner of the sign.~~
 3055 ~~(4)(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~
 3056 ~~of~~ any existing written agreement executed before July 1, 2006,
 3057 between any local government and the owner of an outdoor
 3058 advertising sign.
 3059 Section 42. Subsection (1) of section 479.261, Florida
 3060 Statutes, is amended to read:
 3061 479.261 Logo sign program.—
 3062 (1) The department shall establish a logo sign program for
 3063 the rights-of-way of the limited access interstate ~~interstate~~ highway
 3064 system to provide information to motorists about available gas,
 3065 food, lodging, camping, attractions, and other services, as
 3066 approved by the Federal Highway Administration, at interchanges
 3067 through the use of business logos and may include additional
 3068 interchanges under the program.

3069 (a) As used in this chapter, the term "attraction" means
 3070 an establishment, site, facility, or landmark that is open a
 3071 minimum of 5 days a week for 52 weeks a year; that has as its
 3072 principal focus family-oriented entertainment, cultural,
 3073 educational, recreational, scientific, or historical activities;
 3074 and that is publicly recognized as a bona fide tourist
 3075 attraction.

3076 (b) The department shall incorporate the use of RV-
 3077 friendly markers on specific information logo signs for
 3078 establishments that cater to the needs of persons driving
 3079 recreational vehicles. Establishments that qualify for
 3080 participation in the specific information logo program and that
 3081 also qualify as "RV-friendly" may request the RV-friendly marker
 3082 on their specific information logo sign. An RV-friendly marker
 3083 must consist of a design approved by the Federal Highway
 3084 Administration. The department shall adopt rules ~~in accordance~~
 3085 ~~with chapter 120~~ to administer this paragraph. Such rules must
 3086 establish minimum requirements for parking spaces, entrances and
 3087 exits, and overhead clearance which must be met by, including
 3088 ~~rules setting forth the minimum requirements that establishments~~
 3089 ~~that wish must meet in order to qualify as RV-friendly. These~~
 3090 ~~requirements shall include large parking spaces, entrances, and~~
 3091 ~~exits that can easily accommodate recreational vehicles and~~
 3092 ~~facilities having appropriate overhead clearances, if~~
 3093 ~~applicable.~~

3094 Section 43. Subsection (1) of section 479.262, Florida

3095 Statutes, is amended to read:

3096 479.262 Tourist-oriented directional sign program.—

3097 (1) A tourist-oriented directional sign program to provide
 3098 directions to rural tourist-oriented businesses, services, and
 3099 activities may be established at intersections on rural and
 3100 conventional state, county, or municipal roads only in rural
 3101 counties identified by criteria and population in s. 288.0656
 3102 when approved and permitted by county or local governmental
 3103 government entities within their respective jurisdictional areas
 3104 at intersections on rural and conventional state, county, or
 3105 municipal roads. A county or local government that ~~which~~ issues
 3106 permits for a tourist-oriented directional sign program is shall
 3107 ~~be~~ responsible for sign construction, maintenance, and program
 3108 operation in compliance with subsection (3) for roads on the
 3109 state highway system and may establish permit fees sufficient to
 3110 offset associated costs. A tourist-oriented directional sign may
 3111 not be used on roads in urban areas or at interchanges on
 3112 freeways or expressways.

3113 Section 44. Section 479.313, Florida Statutes, is amended
 3114 to read:

3115 479.313 Permit revocation and cancellation; cost of
 3116 removal.—All costs incurred by the department in connection with
 3117 the removal of a sign located within a controlled area adjacent
 3118 to the State Highway System, interstate highway system, or
 3119 federal-aid primary highway system following the revocation or
 3120 cancellation of the permit for such sign shall be assessed

3121 against and collected from the permittee.

3122 Section 45. Section 76 of chapter 2012-174, Laws of

3123 Florida, is repealed.

3124 Section 46. There is established a pilot program for the

3125 School District of Palm Beach County to recognize its business

3126 partners. The school district may recognize its business

3127 partners by publicly displaying the names of the business

3128 partners on school district property in the unincorporated areas

3129 of the county. Recognitions of Project Graduation and athletic

3130 sponsorships are examples of appropriate recognitions. The

3131 school district shall make every effort to display the names of

3132 its business partners in a manner that is consistent with the

3133 county standards for uniformity in size, color, and placement of

3134 the signs. If the provisions of this section are inconsistent

3135 with county ordinances or regulations relating to signs in the

3136 unincorporated areas of the county or inconsistent with chapter

3137 125 or chapter 166, Florida Statutes, the provisions of this

3138 section shall prevail. If the Federal Highway Administration

3139 determines that the Department of Transportation is not

3140 providing effective control of outdoor advertising as a result

3141 of a business partner recognition by the school district under

3142 this pilot program, the department shall notify the school

3143 district by certified mail of any nonconforming recognition, and

3144 the school district shall remove the recognition specified in

3145 the notice within 30 days after receiving the notification. The

3146 pilot program expires June 30, 2015.

3147 Section 47. (1) The Florida Transportation Commission
 3148 shall conduct a study of the potential for the state to obtain
 3149 revenue from any parking meters or other parking time-limit
 3150 devices that regulate designated parking spaces located within
 3151 or along the right-of-way limits of a state road. The commission
 3152 may retain such experts as are reasonably necessary to complete
 3153 the study, and the department shall pay the expenses of such
 3154 experts. On or before August 31, 2014, each municipality and
 3155 county that receives revenue from any parking meters or other
 3156 parking time-limit devices that regulate designated parking
 3157 spaces located within or along the right-of-way limits of a
 3158 state road shall provide the commission a written inventory of
 3159 the location of each such meter or device and the total revenue
 3160 collected from such locations during the last 3 fiscal years.
 3161 Each municipality and county shall at the same time inform the
 3162 commission of any pledge or commitment by the municipality or
 3163 county of such revenues to the payment of debt service on any
 3164 bonds or other debt issued by the municipality or county. The
 3165 commission shall consider the information provided by the
 3166 municipalities and counties, together with such other matters as
 3167 it deems appropriate, and shall develop policy recommendations
 3168 regarding the manner and extent that revenues generated by
 3169 regulating parking within the right-of-way limits of a state
 3170 road may be allocated between the department and municipalities
 3171 and counties. The commission shall develop specific
 3172 recommendations concerning the allocation of revenues generated

3173 by meters or devices regulating such parking that were installed
 3174 before July 1, 2014, and the allocation of revenues that may be
 3175 generated by meters or devices installed thereafter. The
 3176 commission shall complete the study and provide a written report
 3177 of its findings and conclusions to the Governor, the President
 3178 of the Senate, the Speaker of the House of Representatives, and
 3179 the chairs of each of the appropriations committees of the
 3180 Legislature by October 31, 2014.

3181 (2) If, by August 31, 2014, a municipality or county does
 3182 not provide the information requested by the commission, the
 3183 department is authorized to remove the parking meters or parking
 3184 time-limit devices that regulate designated parking spaces
 3185 located within or along the right-of-way limits of a state road,
 3186 and all costs incurred in connection with the removal shall be
 3187 assessed against and collected from the municipality or county.

3188 (3) The Legislature finds that preservation of the status
 3189 quo pending the commission's study and the Legislature's review
 3190 of the commission's report is appropriate and desirable. From
 3191 July 1, 2014, through July 1, 2015, no county or municipality
 3192 shall install any parking meters or other parking time-limit
 3193 devices that regulate designated parking spaces located within
 3194 or along the right-of-way limits of a state road. This
 3195 subsection does not prohibit the replacement of meters or
 3196 similar devices installed before July 1, 2014, with new devices
 3197 that regulate the same designated parking spaces.

3198 (4) This section shall take effect upon this act becoming

3199 law.

3200 Section 48. Section 2 of chapter 85-364, Laws of Florida,
 3201 as amended by chapter 95-382, Laws of Florida, is amended to
 3202 read:

3203 Section 2. All tolls collected shall ~~first~~ be used first
 3204 for the payment of annual operating and maintenance costs and
 3205 second to discharge the current bond indebtedness related to the
 3206 Pinellas Bayway. Thereafter, tolls collected shall be used to
 3207 establish a reserve construction account to be used, together
 3208 with interest earned thereon, by the department ~~for the~~
 3209 ~~construction of Blind Pass Road, State Road 699 improvements,~~
 3210 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~
 3211 ~~of the tolls collected shall first be used specifically for the~~
 3212 ~~construction of the Blind Pass Road improvements, which~~
 3213 ~~improvements consist of widening to four lanes the Blind Pass~~
 3214 ~~Road, State Road 699, from 75th Avenue north to the approach of~~
 3215 ~~the Blind Pass Bridge, including necessary right-of-way~~
 3216 ~~acquisition along said portion of Blind Pass Road, and~~
 3217 ~~intersection improvements at 75th Avenue and Blind Pass Road in~~
 3218 ~~Pinellas County. Said improvements shall be included in the~~
 3219 ~~department's current 5-year work program. Upon completion of the~~
 3220 ~~Blind Pass Road improvements, the tolls collected shall be used,~~
 3221 ~~together with interest earned thereon, by the department for~~
 3222 ~~Phase II of the Pinellas Bayway improvements, which improvements~~
 3223 ~~consists of widening to four lanes the Pinellas Bayway from~~
 3224 ~~State Road 679 west to Gulf Boulevard, including necessary~~

3225 approaches, bridges, and avenues of access. Upon completion of
 3226 the Phase II improvements, the department shall continue to
 3227 collect tolls on the Pinellas Bayway for purposes of reimbursing
 3228 the department for all accrued maintenance costs for the
 3229 Pinellas Bayway.

3230 Section 49. Paragraphs (j), (m), and (q) of subsection (2)
 3231 of section 110.205, Florida Statutes, are amended to read:

3232 110.205 Career service; exemptions.—

3233 (2) EXEMPT POSITIONS.—The exempt positions that are not
 3234 covered by this part include the following:

3235 (j) The appointed secretaries and the State Surgeon
 3236 General, assistant secretaries, deputy secretaries, and deputy
 3237 assistant secretaries of all departments; the executive
 3238 directors, assistant executive directors, deputy executive
 3239 directors, and deputy assistant executive directors of all
 3240 departments; the directors of all divisions and those positions
 3241 determined by the department to have managerial responsibilities
 3242 comparable to such positions, which positions include, but are
 3243 not limited to, program directors, assistant program directors,
 3244 district administrators, deputy district administrators, the
 3245 Director of Central Operations Services of the Department of
 3246 Children and Families ~~Family Services~~, the State Transportation
 3247 Development Administrator, the State Public Transportation and
 3248 Modal Administrator, district secretaries, district directors of
 3249 transportation development, transportation operations,
 3250 transportation support, and the managers of the offices of the

3251 Department of Transportation specified in s. 20.23(3)(b) ~~s.~~
 3252 ~~20.23(4)(b)~~, of the Department of Transportation. Unless
 3253 otherwise fixed by law, the department shall set the salary and
 3254 benefits of these positions ~~in accordance with the rules of the~~
 3255 ~~Senior Management Service~~; and the positions of county health
 3256 department directors and county health department administrators
 3257 of the Department of Health in accordance with the rules of the
 3258 Senior Management Service.

3259 (m) All assistant division director, deputy division
 3260 director, and bureau chief positions in any department, and
 3261 those positions determined by the department to have managerial
 3262 responsibilities comparable to such positions, which include,
 3263 but are not limited to:

3264 1. Positions in the Department of Health and the
 3265 Department of Children and Families which ~~Family Services that~~
 3266 are assigned primary duties of serving as the superintendent or
 3267 assistant superintendent of an institution.

3268 2. Positions in the Department of Corrections which ~~that~~
 3269 are assigned primary duties of serving as the warden, assistant
 3270 warden, colonel, or major of an institution or that are assigned
 3271 primary duties of serving as the circuit administrator or deputy
 3272 circuit administrator.

3273 3. Positions in the Department of Transportation which
 3274 ~~that~~ are assigned primary duties of serving as regional toll
 3275 managers and managers of offices, as specified ~~defined~~ in s.
 3276 20.23(3)(b) and (4)(c) ~~s. 20.23(4)(b) and (5)(c)~~.

3277 4. Positions in the Department of Environmental Protection
 3278 which ~~that~~ are assigned the duty of an Environmental
 3279 Administrator or program administrator.

3280 5. Positions in the Department of Health which ~~that~~ are
 3281 assigned the duties of Environmental Administrator, Assistant
 3282 County Health Department Director, and County Health Department
 3283 Financial Administrator.

3284 6. Positions in the Department of Highway Safety and Motor
 3285 Vehicles which ~~that~~ are assigned primary duties of serving as
 3286 captains in the Florida Highway Patrol.

3287
 3288 Unless otherwise fixed by law, the department shall set the
 3289 salary and benefits of the positions listed in this paragraph in
 3290 accordance with the rules established for the Selected Exempt
 3291 Service.

3292 (q) The staff directors, assistant staff directors,
 3293 district program managers, district program coordinators,
 3294 district subdistrict administrators, district administrative
 3295 services directors, district attorneys, and the Deputy Director
 3296 of Central Operations Services of the Department of Children and
 3297 Families ~~Family Services~~. Unless otherwise fixed by law, the
 3298 department shall establish the salary ~~pay band~~ and benefits for
 3299 these positions in accordance with the rules of the Selected
 3300 Exempt Service.

3301 Section 50. Except as otherwise expressly provided in this
 3302 act and except for this section, which shall take effect upon

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3303 | this act becoming a law, this act shall take effect July 1,
3304 | 2014.